

The Cantonment Code, 1909.

- (n) in the case of dealers in fireworks, petroleum (in cases in which a license is required under this Code), kerosine oil or any other inflammable oil or spirit,—
- (s) the places at which, and the quantities in which, any such article may be stored or kept for sale; and
- (ii) the taking of any measures which the cantonment authority may consider necessary for the prevention of danger to life or property;
- (o) in the case of tanners and dyers, the taking of measures for regulating the discharge of refuse matter from their premises and for abating any nuisance arising from such premises; and
- (p) in the case of persons carrying on any trade or occupation from which offensive or unwholesome smells arise, the taking of any measures which the cantonment authority may consider necessary for the abatement of any nuisance arising from the premises.

Explanation.—For the purposes of clause (a), sub-clause (iii), meat which has been subjected to the process of blowing, shall be presumed to be unfit for human consumption.

[Cf. Act XX of 1891, s. 2 as to vehicles, etc. 143.]

174. The cantonment authority may, by bye-laws,—

- (a) render licenses necessary for the proprietors or drivers of vehicles, boats or animals kept or plying for hire within the cantonment, and fix the fees payable for such licenses and the conditions on which they are to be granted and may be revoked, and
- (b) limit the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons when hired in the cantonment for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours:

Provided, firstly, that no bye-law made under this section by the cantonment authority of a cantonment in which the Hackney Carriage Act, 1879, or the Calcutta Hackney Carriage Act, 1891, or the Madras Hackney Carriage Act, 1879, or Bombay Act VI of 1863 (an Act for the regulation of public conveyances in the town, suburbs and harbour of Bombay) is in force, shall apply to any vehicle to which any of those Acts applies:

Provided, secondly, that in no cantonment in which a cantonment committee has been constituted shall any bye-laws be made except at a meeting of which at least six clear days' notice shall have been given.

175. No person holding a license under section 172 for keeping for profit milch cattle or milch goats, or pigs or any other animal which may be used for human consumption, shall allow

Feeding animals on filth, etc.

the same—

- (a) to be fed upon refuse or any filthy or deleterious substance; or
- (b) to graze in any place in which grazing has for sanitary reasons been prohibited by public notice issued by the cantonment authority.

176. No dairyman holding a license under section 172 shall mix water with, or otherwise adulterate, any milk intended for sale.

Adulteration of milk.

177. No butterman, holding a license under section 172, shall adulterate any butter intended for sale.

Adulteration of butter.

178. No person holding a license under section 172 shall sell any article of food or drink for human consumption which is unfit for that purpose.

Selling food or drink unfit for human consumption.

179. (1) The cantonment authority may, by notice in writing, prohibit—

Power to remove brothels and prostitutes.

- (a) the keeping of a brothel, or
- * (b) the residence of a public prostitute, in the cantonment or any specified part thereof.

(2) Whoever fails to comply with a notice issued under sub-section (1), shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees, and, in the case of a continuing failure, with an additional fine not exceeding five rupees for every day after the first in regard to which he is convicted of having persisted in the failure.

* In connection with these rules, see Circular Memorandum No. 10 "Sanitary—Cantonment Hospitals," dated the 2nd October 1900, from the Quarter Master General in India to the address of Lieutenant Generals Commanding the Forces.

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180.* No public prostitute shall be permitted to reside within the limits of any regimental bazar.

181. (1) Where any person holding a license under section 172, or section 174, commits a breach of any of the provisions of sections 173, 175, 176, 177 and 178, the cantonment authority may, in addition to any punishment which may be inflicted under this Code, by order in writing, suspend the license for any reasonable time to be specified in the order, or withdraw the same.

(2) No person who has obtained a license under this Chapter for carrying on a trade, calling or occupation in any part of the cantonment, shall carry on such trade, calling or occupation in that part while such license is suspended or after the same has been withdrawn.

CHAPTER XI.

PREVENTION AND TREATMENT OF DISEASE.

Infectious or Contagious Disorders.

Information to be given of existence of infectious or contagious disorder.

182.* Whoever,—

[C. Act XX of 1891, s. 139.]

- (a) being a medical practitioner and in the course of practice becoming cognizant of the existence of any infectious or contagious disorder in any dwelling, other than a public hospital or dispensary, in the cantonment or its neighbourhood; or
- (b) in default of such medical practitioner, being the owner or occupier of such dwelling and being cognizant of the existence of any infectious or contagious disorder therein; or
- (c) in default of such owner or occupier, being the person in charge of, or in attendance on, any person suffering from any infectious or contagious disorder in such dwelling and being cognizant of the existence of the disorder therein;

fails to give information or gives false information to the cantonment authority respecting the existence of such disorder, shall be punishable with fine which may extend to fifty rupees:

Provided that a person not required by this section to give information in the first instance, but only in default of some other person, shall not be punishable if it is shown that he had reasonable cause to suppose that the information had been, or would be, duly given:

Provided, also, that this section shall not apply to venereal disease where the person suffering therefrom is under specific and adequate medical treatment, and, by reason of habits, conditions of life and residence, is unlikely to spread the disease.

Explanation.—In this section, the expression “infectious or contagious disorder” includes venereal disease.

183. (1) In the event of the cantonment being at any time visited or threatened by an outbreak of any infectious or contagious disorder among the inhabitants thereof, or of any epidemic disease among the cattle, sheep or goats therein, the Officer Commanding the Division, if he thinks that the provisions of this Code or of any law at the time in force are insufficient for the purpose, may, with the previous sanction of the Local Government,—

[C. Bom. Act III of 1888, ss. 434 and 473.]

- (a) take such special measures, and,
 - (b) by public notice, prescribe such temporary regulations to be observed by the public or by any person or class of persons,
- as he thinks necessary to prevent the outbreak of the disorder or disease or the spread thereof.

(2) Whoever commits a breach of any temporary regulation prescribed under subsection (1), shall be deemed to have committed an offence punishable under section 188 of the Indian Penal Code.

XLV of 1860.

184. Where it is certified to the Cantonment Magistrate by a medical practitioner that the outbreak or spread of any infectious or contagious disorder is, in the opinion of such medical practitioner, attributable to the milk supplied by any dairyman, the Cantonment Magistrate may, by notice in writing, require the dairyman, within a time to be specified

* In connection with these rules, see Circular Memorandum No. 10 “Sanitary—Cantonment Hospitals,” dated the 2nd October 1900, from the Quarter Master General in India, to the address of Lieutenant-Generals Commanding the Forces.

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in the notice, to furnish him with a full and complete list of the names and addresses of all his customers within the cantonment, or to give him such information as will enable him to trace the persons to whom the dairyman has sold milk.

185. Where it is certified to the Cantonment Magistrate by the Sanitary Officer that it is desirable, with a view to prevent the spread of any infectious or contagious disorder, Power to require names of washerman's customers. that the Sanitary Officer should be furnished with a list of the customers of any washerman, the Cantonment Magistrate may, by notice in writing, require the washerman, within a time to be specified in the notice, to furnish the Sanitary Officer with a full and complete list of the names and addresses of all owners within the cantonment of clothes and other articles for whom the washerman washes or has washed during the six weeks immediately preceding the date of the notice.

186. Where, after inspection, the Sanitary Officer is of opinion that any infectious or contagious disorder is caused, or is likely to arise, from the consumption of the milk supplied Report after inspection of dairy or washerman's place of business. from a dairy, or from the washing of soiled clothes or other articles in any place, or from any process employed by a washerman, he shall report the matter to the Cantonment Magistrate.

187. Upon receipt of a report submitted under section 186, the Cantonment Magistrate may, by notice in writing,—
Action on report submitted under section 186.

(a) prohibit the person in charge of the dairy from supplying milk therefrom until the notice has been withdrawn; or as the case may be,

(b) prohibit the washerman from washing soiled clothes or other articles in any such place or by any such process as aforesaid until the notice has been withdrawn or unless he uses such place in such manner or washes by such process as the Cantonment Magistrate may direct in the notice.

188. The Sanitary Officer, or any medical officer of the Government appointed by him in this behalf, may take possession of any milk, clothes or other articles which are, or have recently been, in the possession of any dairyman or washerman on whom a notice under section 184 or section 185 has been served, and may subject the same or cause the same to be subjected to such chemical or other process as he may think necessary; and the cantonment authority shall pay from the cantonment fund all the costs of the process, and shall also pay to the owner of the milk, clothes or other articles, such sum as compensation for any loss occasioned by such process as may in the circumstances appear to it to be reasonable.

Examination of milk or washed clothes.

189. Whoever—

(a) enters a public conveyance while suffering from an infectious or contagious disorder which would be likely to be communicated to other persons using the conveyance; or

(b) uses a public conveyance for the carriage of a person who is suffering from any such disorder; or

(c) uses a public conveyance for the carriage of the corpse of a person who has died from any such disorder;

shall be bound to notify the fact to the driver and to report to the Cantonment Magistrate the number of the conveyance and the name of the driver.

190. Where any person suffering, or the corpse of any person who has died, from an infectious or contagious disorder, has been carried in a public conveyance, the driver shall Disinfection of public conveyances. forthwith report the fact to the Cantonment Magistrate, and that officer shall forthwith cause the conveyance to be disinfected, if that has not already been done.

191. Where the Cantonment Magistrate is, upon the advice of the Sanitary Officer, of opinion that the cleansing or disinfecting of any building or part of a building, or of any articles therein likely to retain infection, or the renewal of the flooring of any building or part of a building, would tend to prevent or check the spread of any infectious or contagious disorder, he may, by notice in writing, require the owner or occupier to cleanse and disinfect the said building, part or articles, or to renew the said flooring, within a time to be specified in the notice: Disinfection of building or articles therein, or renewal of flooring.

Provided that, where, in the opinion of the Cantonment Magistrate, the owner or occupier is, from poverty or any other cause, unable effectually to carry out any such requisition, the Cantonment Magistrate may, at the expense of the cantonment fund, cleanse or disinfect the building or part, or any articles therein likely to retain infection, or renew the said flooring.

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192. Where the destruction of any hut or shed is, in the opinion of the cantonment authority, necessary to prevent the spread of any infectious or contagious disorder the cantonment authority may, by notice in writing, require the owner, within a time to be specified in the notice, to destroy the hut or shed and the materials thereof :

Provided that the cantonment authority shall pay to the owner such sum as may in the circumstances appear to it to be equitable for any loss incurred by reason of the destruction of such hut, shed or materials.

193. The cantonment authority shall provide free of charge temporary shelter or house accommodation for the members of any family in which an infectious or contagious disorder has appeared, who have been compelled to leave their dwellings, by reason of any proceedings taken under section 191 or section 192 and desire such shelter or accommodation as aforesaid to be provided for them.

194. Whoever lets a building or part of a building in which any person has, within the six weeks immediately preceding, been suffering from an infectious or contagious disorder, shall, before letting the building or part, disinfect the same, in such manner as the cantonment authority may, by public or special notice, direct, together with all articles therein liable to retain infection.

Explanation.—For the purposes of this section, the keeper of a sarai shall be deemed to let part of a building to any person who is admitted as a guest into the sarai.

195. No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of to another person any article or thing which he has reason to know has been exposed to contamination by any infectious or contagious disorder.

196. The cantonment authority shall, by public notice, prescribe the manner in which infectious excreta and other matter is to be dealt with or disposed of.

197. Whoever, while suffering from an infectious or contagious disorder,—

(a) makes or offers for sale any article of food or drink for human consumption, or any medicine or drug; or

(b) takes any part in the business of washing or carrying soiled clothes;

shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

198. The Cantonment Magistrate may, by notice in writing, prohibit any person, while suffering from, or likely to spread, any infectious or contagious disorder, from making, carrying or offering for sale, or from taking any part in the business of making, carrying or offering for sale, any article of clothing or bedding, or anything for use in the making of clothing or bedding, or any other article for personal wear or use which may be specified in the notice.

199. When any cantonment is visited or threatened by an outbreak of any infectious or contagious disorder, the cantonment authority may, on the advice of the District Magistrate and the Sanitary Officer, by public notice, restrict in such manner, or prohibit for such period, as may be specified in the notice, the sale or preparation of any article of food or drink for human consumption specified in the notice or the sale of the flesh of any description of animal specified in the notice.

200. Where any person has died from any infectious or contagious disorder, the Cantonment Magistrate may, by notice in writing,—

(a) require any person having charge of the corpse—

(i) to bury, burn or otherwise dispose of the same according to the custom of the class to which the deceased belonged, forthwith or within any period, not being less than twenty-four hours after death, to be specified in the notice, or

(ii) to convey the same to a mortuary, thereafter to be disposed of in accordance with law; or

(b) prohibit the removal of the corpse from the place where death occurred, except for the purpose of being buried, burnt or otherwise disposed of as aforesaid or of being conveyed to a mortuary.

*The Cantonment Code, 1909.**Hospitals and Dispensaries.*

Maintenance or aiding of hospitals and dispensaries.

201. (1) So far as the funds at its disposal permit, the cantonment authority may—

- (a) provide and maintain, either within or without the cantonment, as many hospitals or dispensaries as may be necessary; or
- (b) make, upon such terms as it thinks fit to impose, a grant-in-aid to any hospital or dispensary, whether within or without the cantonment not maintained by it.

(2) Every hospital or dispensary maintained or aided under sub-section (1) shall have attached to it a ward or wards for the treatment of persons suffering from infectious or contagious disorders.

Explanation.—In this section, the expression “infectious or contagious disorder” includes venereal disease.

202. A Medical Officer, to be appointed in such manner as the Local Government may direct, shall be in charge of every hospital or dispensary maintained or aided under section 201.

203. Subject to the control over the subordinate establishments for hospitals or dispensaries, XIII of 1889, hospital or dispensary maintained or aided under section 201, such subordinate establishment as may be necessary.

204. So far as the funds at its disposal permit, the cantonment authority shall cause every hospital or dispensary maintained or aided under section 201, to be provided with—

- (a) all requisite drugs, instruments, apparatus, furniture and appliances;
- (b) sufficient cots, bedding and clothing for in-patients; and
- (c) such further requisites as may be necessary.

205. Every hospital or dispensary maintained or aided under section 201 shall be maintained in accordance with the rules made generally or specially, by the Governor-General in Council or the Local Government for the conduct of hospitals and dispensaries, or in accordance with the said rules modified in such manner as the Governor-General in Council or the Local Government may think fit.

206. At every hospital or dispensary maintained or aided under section 201 the sick poor of the cantonment, persons in the cantonment suffering from infectious or contagious disorders, and, with the sanction of the cantonment authority, any other sick persons, may receive medical treatment free of cost and, if treated as in-patients, shall be either dieted gratuitously or, should the medical officer in charge so direct, granted subsistence allowance on a scale to be determined by the cantonment authority:

V of 1908.

Provided that the subsistence allowance granted as aforesaid shall not be less than the lowest allowance for the time being fixed for the subsistence of judgment-debtors by the Local Government under section 57 of the Code of Civil Procedure, 1908.

Explanation.—In this section, the expression “infectious or contagious disorder” includes venereal disease.

207. Any sick person who is ineligible under section 206 to receive medical treatment free of cost in any hospital or dispensary maintained or aided under section 201, may, upon such terms as the cantonment authority thinks fit to impose, be admitted to treatment in such hospital or dispensary.

208.* If the Medical Officer in charge of a hospital or dispensary maintained or aided under section 201 has *prima facie* grounds for believing that any person living in the cantonment is suffering from an infectious or contagious disorder, he may, by notice in writing in the form set forth in Schedule III or in any similar form call upon such person to attend at the hospital or dispensary at a time to be specified in the notice, and not to quit it without the permission of the Medical Officer in charge, unless and until such Medical Officer is satisfied, by examination (if necessary), that such person is not in fact suffering, or is no longer suffering, from such disorder:

Provided that if, having regard to the nature of the disorder, or the condition of the person suffering therefrom, or the general environment and circumstances of such person,

* In connection with these rules, see Circular Memorandum No. 10 “Sanitary—Cantonment Hospitals” dated the 2nd October 1900, from the Quarter Master General in India, to Lieutenant-Generals Commanding the Forces.

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the Medical Officer considers the attendance of such person at the hospital or dispensary inexpedient, he may dispense with such attendance and take such measures or give such directions as he may think fit and proper.

Explanation.—In this section, the expression "infectious or contagious disorder" includes venereal disease.

209.* (1) If the Medical Officer in charge of hospital or dispensary maintained or aided under section 201 reports in writing to the Commanding Officer of the cantonment that any person, having received a notice as provided by section 208, has refused or omitted to attend at the hospital or dispensary, or that such person, having attended at the hospital or dispensary, has quitted it without the permission of such Medical Officer, the Commanding Officer of the cantonment may, if he thinks fit, by order in writing, direct such person to remove from the cantonment within twenty-four hours, and prohibit him remaining longer in, or re-entering, it without his permission in writing.

(2) Whoever, having been prohibited under sub-section (1) from remaining in or re-entering the cantonment, fails to remove from or re-enters it without the permission in writing of the Commanding Officer of the cantonment, shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees, and, in the case of a continuing failure with an additional fine not exceeding five rupees for every day after the first in regard to which he is convicted of having persisted in the failure.

(3) No person who has been prohibited under sub-section (1) from remaining in or re-entering any cantonment, shall enter any other cantonment in British India, without the written permission of the Commanding Officer in that cantonment.

210. No spirituous or fermented liquor or intoxicating drug or preparation shall be introduced into a hospital or dispensary maintained or aided under section 201 without the permission of the Medical Officer in charge.

211. (1) No land in the cantonment shall be selected for use as a hospital or segregation camp without giving the Cantonment Magistrate and the Sanitary Officer an opportunity of stating their opinions upon the proposed selection.

(2) Where any land in the cantonment is used as aforesaid, it shall be ploughed up as soon as practicable after it has ceased to be so used.

Pilgrims.

212. (1) The cantonment authority may provide or prescribe suitable routes for the use of persons passing through the cantonment—

(a) on their way to or from fairs or places of pilgrimage or other places of public resort; or

(b) during times when an infectious or contagious disorder is prevalent; and may, by public notice, require such persons as aforesaid to use such routes and no others.

(2) All routes provided or prescribed under sub-section (1) shall be clearly and sufficiently indicated by the cantonment authority.

CHAPTER XII.

SUPPRESSION OF MENDICANCY AND LOITERING AND REMOVAL OF DISORDERLY PERSONS.

Mendicancy.

213. No mendicant shall, in any street or public place in the cantonment, loiter or beg for alms.

Loitering and Importuning.

214. Whoever, in any street or public place in the cantonment, loiters for the purpose of prostitution or importunes any person to the commission of sexual immorality, shall be punished with imprisonment for sexual immorality.

*In connection with these rules, see Circular Memorandum No. 10, Sanitary—Cantonment Hospitals, dated the 2nd October 1909, from the Quartermaster General in India to Lieutenant-Generals Commanding the Forces.

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ishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees :

Provided that no person shall be charged with a breach of the provisions of this section except on the complaint of the person importuned, or of an officer as defined in the Cantonments Act, 1889, in whose presence the breach was committed, or of a member of the British military police employed in the cantonment and specially authorized in this behalf by the Commanding Officer of the cantonment, in whose presence the breach was committed or of any police officer, not below the rank of an officer in charge of a police station, who is employed in the Cantonment and specially authorised in this behalf by the Commanding Officer of the Cantonment.

Removal of Disorderly Persons.

215. (1) The Cantonment Magistrate may, on receiving information that any person, whether resident in or frequenting the cantonment,—
Removal and exclusion from cantonment of disorderly persons, etc.

- (a) is a disorderly person keeping or frequenting a common gaming-house, a disorderly drinking-shop or a disorderly house of any other description; or
- (b) has been convicted more than once, either within the cantonment or elsewhere, of an offence punishable under Chapter XVII of the Indian Penal Code; or
- (c) has been convicted, either within the cantonment or elsewhere, of any offence punishable under section 156 of the Army Act; or
- (d) has been ordered, under Chapter VIII of the Code of Criminal Procedure, 1898, either within the cantonment or elsewhere to execute a bond for his good behaviour;

may make an order in writing, setting forth the substance of the information received, and issue a summons requiring the person to show cause why he should not be required to remove from the cantonment and be prohibited from re-entering it.

(2) Every summons issued under sub-section (1) shall be accompanied by a copy of such order as aforesaid, and the copy shall be delivered by the officer serving the summons to the persons served with the same.

(3) The Cantonment Magistrate shall, when the person so summoned appears before him, proceed to inquire into the truth of the information received, and take such further evidence as he thinks fit, and, if, upon such inquiry, it appears to him to be necessary for the maintenance of good order that the person should be required to remove from the cantonment and be prohibited from re-entering it, the Cantonment Magistrate shall report the matter to the Commanding Officer of the cantonment and, if the Commanding Officer of the cantonment so directs, shall issue a notice in writing requiring the person to remove from the cantonment within a time to be specified in the notice and prohibiting him from re-entering it without the permission in writing of the Commanding Officer of the cantonment.

216. (1) The Commanding Officer of the cantonment, if he thinks it expedient to exclude any person from the cantonment, whether with or without assigning any reason therefor, and whether such person resides in or frequents the cantonment shall send to the Cantonment Magistrate an order in writing to that effect, and the Cantonment Magistrate shall cause a copy of the order to be served on the person, together with a notice in writing requiring him to remove from the cantonment within a time to be specified in the notice, and prohibiting him from re-entering it without the permission in writing of the Commanding Officer of the cantonment :

Provided that no such order as aforesaid shall be made—

- (a) where the only reason for making it is that the person—
 - (i) is disorderly, or
 - (ii) has been convicted of an offence punishable under Chapter XVII of the Indian Penal Code or section 156 of the Army Act, or
 - (iii) has been ordered under Chapter VIII of the Code of Criminal Procedure, 1898, to execute a bond for his good behaviour; or
- (b) unless the Commanding Officer of the cantonment thinks that the presence of the person in the cantonment is dangerous to good order or military discipline.

(2) Save where the Commanding Officer of the cantonment considers immediate action to be necessary, he shall, before making an order under sub-section (1), obtain the previous sanction of the Officer Commanding the Division, or, if the Commanding Officer of the cantonment is the Officer Commanding the Division, the previous sanction of the Commander-in-Chief.

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(3) Where an order is made under sub-section (1) without the previous sanction referred to in sub-section (2), the Commanding Officer of the cantonment shall forthwith send to the Officer Commanding the Division or the Commander-in-Chief, as the case may be, a copy of the order together with a statement of the reasons therefor.

217. Whoever, knowing that any person has, under section 215 or section 216, been required to remove from the cantonment and has not obtained the requisite permission to re-enter it, harbours or conceals such person in the cantonment, shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

CHAPTER XIII.

CARE OF ANIMALS.

Prevention of Cruelty.

218. Whoever ill-uses, tortures or cruelly beats any animal in the cantonment shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

219. (1) Unless the Officer Commanding the Division concurs with the cantonment authority in thinking that there is some special reason to the contrary, the cantonment authority shall apply to the Local Government to extend the Prevention of Cruelty to Animals Act, 1890, to the cantonment. XI of 1890.

(2) In making an application under sub-section (1) the cantonment authority shall, unless there is some special reason to the contrary, suggest that the place appointed to be an infirmary under section 6, sub-section (2), of the said Act shall be the pound (if any) established for the cantonment under the Cattle-trespass Act, 1871. I of 1871.

(3) Where the Prevention of Cruelty to Animals Act, 1890, has been extended to any cantonment, the provisions of section 218 of this Code shall cease to have effect therein. XI of 1890.

Grasing.

220. Every owner, or the person in charge, of an animal grazing on any land belonging to the Government in the cantonment shall be bound to keep it under proper care and control.

221. (1) Where any animal is found grazing on land belonging to the Government in the cantonment without being under proper care or control, it may be seized by any servant of the cantonment authority and sent within twenty-four hours to the nearest pound established under section 4 of the Cattle-trespass Act, 1871. I of 1871.

(2) Every animal so sent to the pound shall be dealt with as if it had been impounded under the provisions of the said Act, and the provisions of the said Act shall apply thereto.

(3) Every member of the police force employed in the cantonment shall, when required, aid in preventing resistance to any such seizure as aforesaid and rescues from persons making such seizures.

222. (1) Whoever takes delivery of any animal impounded from the pound-keeper (if any) appointed under section 6 of the Cattle-trespass Act, 1871, shall inform the pound-keeper of the name of the owner of the animal and the name of the person who had charge of the same at the time of its seizure. I of 1871.

(2) Whoever refuses to give the pound-keeper the information required by this rule, or wilfully gives him false information, shall be punishable with fine which may extend to fifty rupees.

CHAPTER XIV.

PREVENTION OF FIRE.

223. (1) No person shall, in any place in the cantonment within one hundred yards of a public building or building having a thatched roof, or in any other place in which the collection of inflammable materials, or building matted structures in cantonment, is prohibited, stack or collect inflammable materials, or build matted structures in cantonment.

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or placing of highly inflammable materials may be prohibited by public notice issued by the cantonment authority,—

- (a) stack or collect dry grass, straw or any other highly inflammable material, or
- (b) build a matted structure or a cooking-place.

(2) The cantonment authority may, by notice in writing, require any person who has stacked or collected any grass, straw or other highly inflammable material, or has built a matted structure or a cooking-place, in contravention of the provisions of sub-section (1), to remove such stack, collection or structure as aforesaid within a time to be specified in the notice.

224. No person shall, without the general or special permission of the cantonment authority, or without payment of such fees as the cantonment authority may fix in that behalf, let off rockets or fire-works of any description, send up a fire-balloon or light a bon-fire.

225. No person shall set a naked light on or near any building in any street or public place in the cantonment in such manner as to cause danger of fire:

Setting naked light on or near building.

Provided that this prohibition shall not extend to the use of lights, with the permission in writing of the cantonment authority, for purposes of illumination on the occasion of a festival or public or private entertainment.

CHAPTER XV.

REGISTRATION OF BIRTHS AND DEATHS.

226. (1) The Cantonment Magistrate shall maintain registers, in such forms as may be prescribed by the Local Government, of all births and deaths occurring in the cantonment.

(2) No charge shall be made for the registration of any birth or death under this Chapter.

227. The head for the time being of every house or family in which any birth occurs, shall, within eight days after the event, report the same to the Cantonment Magistrate, together with the following particulars, namely:—

- (a) the date of the birth, and the sex and name (if any), of the child;
- (b) the name, place of residence and occupation, and the caste or religion (if any), of the father, if the person making the report is willing to furnish these particulars; and
- (c) the name and place of residence of the person making the report.

228. The head for the time being of every house or family in which any death occurs, shall, within twenty-four hours after the event, report the same to the Cantonment Magistrate, together with the following particulars, namely:—

- (a) the date of the death, the sex, name, age and occupation, and the caste or religion (if any) of the deceased, the cause of death, and the place of residence of the deceased at the time of death;
- (b) the name of the father, or, if the deceased was a married woman, the name of her husband, if the person making the report is willing to furnish these particulars; and
- (c) the name and place of residence of the person making the report.

229. It shall be the duty of every Medical Officer of the Government to report to the Cantonment Magistrate, as soon as practicable after the event, every birth and death occurring in the cantonment of which he may become cognizant in the exercise of his profession.

230. Whoever fails to comply with the provisions of section 227 or section 228, shall be punishable with fine which may extend to five rupees.

Penalty.

CHAPTER XVI.

APPOINTMENT OF AGENTS BY ABSENTEE OWNERS.

231. (1) Whoever, being the owner of any building or land in the cantonment, is absent therefrom, shall appoint some person residing in or near the cantonment to act as his agent.

Duty of absentee owner to appoint agent.

The Cantonment Code, 1909.

agent for all the purposes of the Cantonments Act, 1889, and of this Code, and shall notify XIII of 1889. such appointment to the Cantonment Magistrate in writing.

(2) Whoever fails to appoint an agent or to notify such appointment as required by sub-section (1), shall be punishable with fine which may extend to twenty rupees, and, in the case of a continuing failure, with an additional fine not exceeding five rupees for every day after the first in regard to which he is convicted of having persisted in the failure.

232. (1) Where any person, by reason of his receiving the rent of immoveable property [C. Act XX of 1891, s. 205.] as agent or trustee, or of his being as agent or trustee the person who would receive the rent if

Relief to agents and trustees.

the property were let to a tenant, would, under any of the provisions of this Code, be bound to discharge any obligation imposed on the owner of the property for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, in his hands funds sufficient for the purpose belonging to the owner.

(2) The burden of proof of the facts entitling an agent or trustee to relief under sub-section (1) shall lie on him.

(3) Where any agent or trustee has claimed and established his right to relief under this section, the cantonment authority may, by notice in writing, require him to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf, or for the use, of the owner, and, on failure to comply with notice, he shall be deemed to be personally liable to discharge the obligation.

CHAPTER XVII.

INSPECTION, ENTRY, SEARCH AND ARREST.

Inspection, Entry and Search.

233. The Officer Commanding the Division, the Officer Commanding the Brigade or the District Magistrate may enter into or on, and inspect, any building or land, if it appears to him to be necessary to do so in order to the exercise of any power conferred upon him by this Code.

234. The cantonment authority, by itself or by any person generally or specially authorised by it in this behalf, may—

Entry and inspection by, or by the authority of, the cantonment authority.

(a) enter into, or on, any building or land for the purpose of—

- (i) removing any buildings or materials, or altering any building, in pursuance of a notice issued by the cantonment authority in accordance with the conditions of a lease executed under section 264; or
- (ii) resuming any land in pursuance of a notice issued by the Local Government in accordance with the conditions of a lease executed as aforesaid; or
- (iii) performing any act authorized by any of the provisions of sections 96, 97 and 290, sub-section (1); or
- (iv) making any inspection authorized by the provisions of section 83, sub-section (1); or

(b) enter into and inspect any place which is, or may recently have been, used as a burial or burning ground, if it appears to the cantonment authority to be desirable to do so in order to the carrying out of any of the provisions of this Code; or

(c) enter into, or on, and inspect, any building or land in, on, or with respect to, which the cantonment authority has reason to believe—

- (i) that a breach of any of the provisions of this Code has been committed; or
- (ii) that any notice issued under this Code has not been duly complied with; or
- (iii) that any conditions imposed under this Code have not been duly observed; or
- (iv) that any notice should be issued under this Code; or
- (v) that any conditions should be imposed under the provisions of Section 112, sub-section (2), section 148, sub-section (2), or section 173.

The Cantonment Code, 1909.

235. The Sanitary Officer, by himself or by any Medical Officer of the Government Entry, inspection and search by, or by the specially deputed by him, by an order in writing, authority of, the Sanitary Officer. in this behalf, may—

- (a) enter into or on any building or land for the purpose of inspecting any receptacles or places provided under section 75 for the temporary deposit of offensive matter and rubbish; or
- (b) enter into, and inspect, any dairy, or any place at which a washerman washes or keeps clothes or other articles in the course of his business, if it appears to the Sanitary Officer to be necessary to do so in order to the prevention of the spread of any infectious or contagious disorder; or
- (c) enter into or on, and inspect, any building or land in or on which the Sanitary Officer has reason to believe that there is, or has recently been, any person suffering, or the corpse of any person who has died from any infectious or contagious disorder, and search for infected persons, corpses or articles therein or thereon; or
- (d) enter into or on any building or land in or on which the Sanitary Officer has reason to believe that there is any public conveyance which has been used for the carriage of a person suffering, or the corpse of a person who has died, from any infectious or contagious disorder, and which has not been disinfected; or
- (e) enter into or on, and inspect, any building or land in, on or with respect to which the Sanitary Officer has reason to believe—
 - (i) that any such nuisance as is described in section 67, clause (d), clause (e), clause (f) or clause (g), has been committed, or
 - (ii) that a breach of any of the provisions of sections 108, 126, 132, 150 to 154, 161, 175 to 178 and 197 has been committed; or
 - (iii) that any notice issued under section 191, section 196 or section 198 has not been duly complied with, or
 - (iv) that any conditions imposed under section 148, sub-section (2), or section 173, and affecting sanitation or hygiene, have not been duly observed, or
 - (v) that the cantonment authority should be moved to issue a notice under sections 77, 81, 82, 84, 85, 86, 102, 104, 105, 159, 160, 162, 165, 167, 169, 192 or 199, or to take any action under section 83, sub-section (1); or
- (f) enter into and inspect any private slaughter-house, or any structure therein for the purpose of assisting the Cantonment Magistrate in determining whether a license should be issued under section 129; or
- (g) enter on and inspect any land which it is proposed to use as a burial or burning ground, for the purpose of ascertaining whether any such permission as is referred to in section 148, sub-section (1), should be given; or
- (h) enter into or on, and inspect, any building or land for the purpose of advising the cantonment authority as to the conditions which should be imposed under section 173 in any license which it is proposed to grant under section 172; or
- (i) enter into or on, and inspect, any building or land in or on which the Sanitary Officer has reason to believe that there is any animal or flesh which has been brought into the cantonment in contravention of section 137, and search for such animal or flesh; or
- (j) enter into or on, and inspect, any building or land, for the purpose of—
 - (i) ascertaining whether the Officer Commanding the Division should be moved to take any action under section 183, sub-section (1), or
 - (ii) advising the cantonment authority whether any, and, if so, what directions should be issued under section 92, sub-section (1), clause (b), clause (c) or clause (d); or
- (k) enter into or on, and inspect, any building or land with respect to which the Sanitary Officer has reason to believe that the cantonment authority should be moved to issue a notice under section 79, section 85, section 86 or section 98.

The Cantonment Code, 1909.

236. The Cantonment Magistrate, by himself or by any person generally or specially Entry, inspection and search by, or by the authorized by him in this behalf, may— authority of, the Cantonment Magistrate.

- (a) enter into or on, and inspect, any building or land for the purpose of—
 - (i) inquiring into occupation, ownership, agency, rights or any other matter required to be entered in any of the registers maintained under sections 271, 272 and 273, or
 - (ii) performing the duties imposed on the Cantonment Magistrate by section 17, sub-section (2), section 68, section 72 or section 78, clause (b), sub-clause (i), or
 - (iii) determining whether a license should be issued under section 117 or section 129, or
 - (iv) ascertaining whether a notice should be issued under section 187 or section 191, or
 - (v) cleansing or disinfecting a building or any articles therein, or renewing flooring in pursuance of the proviso to section 191; or
- (b) enter into or on, and inspect, any building or land in or on which the Cantonment Magistrate has reason to believe that there is the corpse of any person who has died from an infectious or contagious disorder, and search for such corpse; or
- (c) enter into and inspect any building which is being used, or is intended to be used, as a theatre or place of public entertainment or resort or any structure therein, for the purpose of enquiring into and testing the safety of such building or structure; or
- (d) enter into or on, and inspect, any building or land in or on which the Cantonment Magistrate has reason to believe that there is any animal or flesh which has been brought into the cantonment in contravention of section 137, and search for such animal or flesh; or
- (e) enter any building in order to enforce its surrender in pursuance of the conditions of a lease executed under section 264.

237. The Cantonment Magistrate or the Sanitary Officer may enter into any market Entry into, and inspection of markets by Sanitary Officer or Cantonment Magistrate. or any structure therein, and inspect the same or any article therein in the performance of the duty imposed upon him by section 115.

238. Where the cantonment authority has, under section 80, sub-section (1), provided Entry by public conservancy establishments. for the performance by its agents of the duties usually performed by sweepers in respect of any building or land, or of any privy, drain, cesspool or other receptacle for offensive matter pertaining to any building or land, the persons employed by it to perform such duties may enter into or on the building or land for the purpose of performing their duties.

239. (1) Every entry made under any of the foregoing sections 233 to 237 shall be Time of entry. made between sunrise and sunset:

Provided that, if in any such case the authority empowered by any of the said sections to make or authorize an entry thinks it necessary, in the interests of the public health or safety, that entry should be made at any other time, it may, for reasons to be recorded in writing, make such entry, or authorize it to be made, at any reasonable time between sunset and sunrise.

(2) Any entry made under section 238 may be made at any reasonable time.

240. When any building used as a human dwelling is entered under this Chapter, due Precautions to be observed in entering dwelling. regard shall be paid to the social and religious sentiments of the occupiers; and no apartment in the actual occupancy of a woman shall be entered under this Chapter until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

241. Every entry and inspection made under section 234, clause (b), shall be made Precautions to be observed in entering and inspecting burial or burning ground. under such arrangements as shall ensure due regard for the religious feelings of the community concerned.

Arrest without Warrant.

242. Any member of the police force employed in the cantonment may, without a Arrest by police without warrant. warrant, arrest any person committing in his view a breach of any of the provisions of this Code specified in the first column of Schedule IV:

The Cantonment Code, 1909.

(2) In the exercise of the discretion vested in him by this section, the Commanding Officer of the cantonment may refuse to convene a committee of arbitration on the ground that the application therefor is groundless or frivolous, or for any other sufficient reason.

252. Where the cantonment authority and the person or persons concerned are unable to agree as to the amount of any compensation payable under the first proviso to section 83, sub-section (3), or under proviso (c) to section 104, sub-section (1), the Commanding Officer of the cantonment shall proceed to convene a committee of arbitration to determine the amount payable.

253. (1) Where a committee of arbitration is to be convened, the Commanding Officer of the cantonment shall cause an order to be published in Station Orders, stating the matter to be determined by the committee of arbitration.

(2) The Cantonment Magistrate shall send a copy of the order published under sub-section (1) to the District Magistrate and to the parties concerned, and shall, by notice in writing, require the parties to nominate members of the committee of arbitration as hereinafter provided.

Composition of Committee of arbitration convened under section 250 or 251.

254. Every committee of arbitration convened under section 250 or 251 shall consist of—

- (a) the District Magistrate or, if it is convenient for him to act, some Magistrate, being a justice of the peace, appointed by him to act in his stead;
- (b) a member to be nominated by the officer concerned; and
- (c) a member to be nominated by the lessee:

Provided that if such officer or lessee as aforesaid fails to nominate a member within seven clear days from the date on which he is called upon to do so, or if any member who has been nominated, neglects or refuses to act and such officer or lessee, as the case may be, fails to nominate, within seven clear days from the date on which he is called upon to do so, another member who is willing to act the Commanding Officer of the cantonment shall forthwith appoint a member in the place of such nominee.

Composition of committee of arbitration convened under section 252.

255. Every committee of arbitration convened under section 252 shall consist of—

- (a) the District Magistrate or, if it is inconvenient for him to act, some Magistrate, being a justice of the peace, appointed by him to act in his stead;
- (b) a member to be nominated by the person or persons concerned; and
- (c) a member to be nominated by the cantonment authority:

Provided that, if such person or persons concerned as aforesaid fails or fail to nominate a member within seven clear days from the date on which he or they is or are called upon to do so, or if any member who has been nominated by such person or persons, neglects or refuses to act and such person or persons fails or fail to nominate, within seven clear days from the date on which he or they is or are called upon to do so, another member who is willing to act, the Commanding Officer of the cantonment shall forthwith appoint a member in the place of such nominee.

256. No person shall be nominated or appointed a member of a committee of arbitration unless he is personally disinterested in the matter under reference and his services are immediately available for the purposes of the arbitration; and the nomination of any person who is, in the opinion of the Commanding Officer of the cantonment, personally interested in the matter under reference or whose services are not immediately available as aforesaid, shall be deemed to constitute a failure to make a nomination within the meaning of the foregoing provisions.

257. When a committee of arbitration has been duly constituted, the Cantonment Magistrate shall, by notice in writing, inform each of the members of the fact, and the committee of arbitration shall assemble within seven clear days from the service of the notice.

258. The District Magistrate or the Magistrate appointed by him to act in his stead shall be the chairman of every committee of arbitration.

259. For the purpose of determining the amount of monthly rent to be paid for a house, every committee of arbitration shall estimate, as nearly as may be, the market-value of all buildings and authorized additions; and the amount of rent determined upon shall be such percentage on such market-value as the committee of arbitration may think reasonable with reference to the circumstances of the neighbourhood and the period of time and season for which the house is likely to be occupied during the year, and shall include the

The Cantonment Code, 1909.

taxes (if any) levied upon the land, or such proportion thereof as the committee of arbitration may find to be customarily paid for the time being in the neighbourhood by tenants.

260. (1) The decision of every committee of arbitration shall be determined by the majority of the votes taken at a meeting at which all the members are present.

Decision of committee of arbitration to be by vote and final.

(2) The decision of every committee of arbitration shall be final.

CHAPTER XXI.

APPLICATIONS FOR BUILDING-SITES ON GOVERNMENT LAND IN CANTONMENTS.

261. Every application for permission to occupy, for the purposes of a building-site, land belonging to the Government in a cantonment shall be submitted to the Cantonment Magistrate in writing, and shall contain the following particulars, namely:—

- (a) the situation, area and boundaries of the land;
- (b) the materials to be used in the intended buildings;
- (c) the period after the date of occupation within which the intended buildings are to be completed; and
- (d) the purposes for which the land and the intended buildings are to be used.

Documents to accompany applications.

262. Every application made under section 261 shall be accompanied by—

- (a) a plan, on a scale not smaller than one hundred and ten feet to the inch showing—
 - (i) the boundaries of the land,
 - (ii) the roads or lands adjoining, and
 - (iii) all buildings intended to be erected on the land;
- (b) a ground plan and elevation of the principal building intended to be erected, showing the dimensions of the same;
- (c) a statement of the buildings intended to be erected;
- (d) an approximate statement of the intended outlay on the buildings and on the rent which it is proposed to charge for the same, if let to a tenant; and
- (e) a declaration that the applicant has read the appropriate form of lease referred to in section 264 and undertakes, in the event of his application being sanctioned, to execute a lease in that form.

263. (1) Every application made under section 261 shall, if the procedure prescribed by that section and section 262 has been duly observed, be referred by the Cantonment Magistrate to the Executive Engineer—

- (a) for verification of the plan referred to in section 262, clause (a); and
- (b) for report as to whether the land is in the vicinity of a fortified place, whether the land is, in the opinion of the Executive Engineer, likely to be required for any public purpose, and whether there is any departmental objection to the application being sanctioned.

(2) On receipt of such verification and report as aforesaid, the application shall be submitted to the Commanding Officer of the cantonment.

(3) Where the land is not situate in a Bazar, if the Commanding Officer of the cantonment considers that its occupation in the manner proposed would not be objectionable, either as regards the health or comfort of the troops or in any other respect, he shall attach to the application a certificate to that effect, and shall forward the application to the Officer Commanding the Division.

Provided that where the Commanding Officer of the cantonment is not the Officer Commanding the Division, the application shall be forwarded to the Officer Commanding the Division, through the Officer Commanding the Brigade, if any.

Provided also that the Officer Commanding the Brigade, if any, may refuse to forward such application to the Officer Commanding the Division if he considers that the occupation of the land in the manner proposed would be objectionable as aforesaid.

The Cantonment Code, 1909.

(4) Where the land is situate in a bazar and there is a Cantonment Committee, if the Commanding Officer of the cantonment considers that the occupation of the land in the manner proposed would not be objectionable as aforesaid, he shall attach to the application a certificate to that effect, and shall forward the application to the Cantonment Committee.

(5) The Officer Commanding the Division, the Commanding Officer of the cantonment or the Cantonment Committee, as the case may be, may sanction or reject the application, according as he or it may think fit:

Provided, first, that, if the land is in the vicinity of a fortified place or is applied for by a railway company, the application shall not be sanctioned without the express orders of the Governor-General in Council, obtained through such channel as the Governor-General in Council may direct: and

Provided, secondly, that if the land is applied for for the purpose of erecting a hospital, school or other public building, or if it is intended to set apart for occupation by civil officers the house to be erected on the land, the application shall not be sanctioned without the concurrence of the Local Government.

264. (1) When an application under this chapter is sanctioned, the applicant shall not occupy the land, nor erect any building thereon until, at his expense, there shall have been prepared in counterpart and, after execution, shall have been duly registered in accordance with the law for the time in force relating to the registration of documents, a lease as nearly as may be in one of the forms indicated in Schedule VI hereto appended and subject to the conditions set forth in the annexure to such form or in such other form as the Governor-General in Council may by notification prescribe in this behalf.

Explanation.—Form A in Schedule VI shall be applicable to leases of land applied for by a railway company, or for the purpose of erecting a hospital, school or other public building. Form B shall be applicable to leases of land situate in a bazar; and Form C shall be applicable to all other leases of land under this chapter.

(2) To every lease and to its counterpart there shall be appended a site-plan of the land prepared at the cost of the applicant on a scale not smaller than one hundred and ten feet to the inch, showing—

- (a) the boundaries of the land;
- (b) the roads or lands adjoining; and
- (c) all buildings authorised to be erected on the land.

(3) The site-plan shall be verified by the Executive Engineer and shall be signed,—

- (a) if the land is situate in a bazar, by the Cantonment Magistrate,
- (b) if the land is not situate in a bazar, by the Officer Commanding the Brigade, or if there is no such officer the Commanding Officer of the cantonment,

and shall be endorsed with the date of its preparation, the name of the lessee and a note specifying the period within which the buildings to be erected on the land are to be completed.

(4) One copy of the site-plan, prepared at the cost of the applicant and verified by the Executive Engineer, shall be delivered by the applicant to the Cantonment Magistrate.

265. When the requirements of section 264 have been complied with the Cantonment Magistrate shall—

Grant and record of leases.

- (1) grant to the applicant the lease with site-plan annexed and deliver to him possession of the land;
- (2) transmit for record to the head-quarters of the division or independent brigade the counterpart with site-plan annexed; and
- (3) record in his office a copy of the lease authenticated by his signature and accompanied by the copy of the site-plan referred to in section 264, sub-section (4).

CHAPTER XXII.

REGISTRATION OF IMMOVEABLE PROPERTY IN CANTONMENTS.

266. The cantonment authority shall prepare and maintain a general plan of the cantonment, on a scale of not less than twelve inches to the mile, showing all necessary details and distinguishing in particular—

- (a) all houses (if any) which have been set apart, in accordance with the conditions of leases executed under section 264, for occupation by civil officers; and

The Cantonment Code, 1909.

- (d) the number of the site, as shown on the bazar-plan maintained under section 267;
- (e) the dimensions of the site;
- (f) the boundaries of the site;
- (g) in the case of a site occupied before the commencement of the Cantonment Code, 1899, the date of the permission to occupy the site, and in the case of a site occupied after the commencement of the Cantonment Code, 1899, the date of the lease executed by the lessee under the said Code or under section 264;
- (h) the name and description of the lessee at the date of registry;
- (i) the name and description of the lessee's agent (if any) at the date of registry;
- (j) the estimated value of buildings on the site at the date of registry; and
- (k) all changes occurring from time to time, whether by transfer, by alterations or additions, in dimensions, in value, or in agency.

Explanation—In this section, the expression "date of registry" means the date of entry in the register maintained hereunder.

273. The Cantonment Magistrate shall maintain a register showing, in regard to all land (if any) which is private property, and the buildings situate thereon, the following particulars, so far as they can be ascertained, namely:—

- (a) the name of the cantonment, and the number and date of any orders declaring it to be a cantonment or defining its limits;
- (b) a reference to any similar register kept before the commencement of the Cantonment Code, 1899;
- (c) the date of registry of the site;
- (d) the number of the site as shown on the general plan;
- (e) the dimensions of the site;
- (f) the boundaries of the site;
- (g) the name and description of the owner at the date of registry;
- (h) the name and description of the owner's agent (if any) at the date of registry;
- (i) the particulars of the owner's right by reference to any acknowledgment by the Government, or any other proof;
- (j) the estimated value of buildings on the site at the date of registry; and
- (k) all changes occurring from time to time, whether by transfer, by alterations or additions, in dimensions, in value, or in agency.

Explanation.—In this section the expression "date of registry" means the date of entry in the register maintained hereunder.

274. (1) The Cantonment Magistrate shall maintain a register of transfers, in which he shall from time to time enter references to all transfers of immoveable property—

Register of transfers.

- XVI of 1908. (a) registered in his own office, where he is himself Registrar or Sub-Registrar of the cantonment under the Indian Registration Act, 1908, or
- XIII of 1889. (b) appearing in the copies forwarded to him by the Registrar of the district under section 32, sub-section (2), of the Cantonments Act, 1889, as the case may be.

(2) The register of transfers shall contain the following particulars, namely:—

- (a) a serial number for each transfer;
- (b) the date of registry;
- (c) the distinguishing number of the site, as recorded in the register maintained under sections 271, 272 or 273, as the case may be;
- (d) the name of the transferor;
- (e) the name of the transferee;
- (f) the nature of the transfer, that is to say, whether by sale, mortgage, gift, exchange or bequest;
- (g) the date of the transfer; and,
- (h) where the cantonment has been constituted a district or sub-district for the purposes of the Indian Registration Act, 1908, references to the Indexes Nos. I, II and III kept in the cantonment under sections 54 and 55 of that Act.

XVI of 1908.

*The Cantonment Code, 1909.**Delegation of Functions.*

281. (1) With the previous sanction of the Governor-General in Council, the Local Government may, by order published in the local official Gazette, authorize any person mentioned in such order to discharge any of the functions imposed by this Code on the Cantonment Magistrate, except those imposed by Chapter XXI:

Provided, first, that a person so authorized shall discharge such of the said functions only as the Cantonment Magistrate may, by order in writing, assign to him; and

Provided, secondly, that the Cantonment Magistrate may, by a like order, resume any functions which he may have so assigned.

(2) In the discharge of any functions so assigned to him, such person as aforesaid shall, under the control of the Cantonment Magistrate, have the same powers and responsibilities as the Cantonment Magistrate.

282. With the previous sanction of the Governor-General in Council, the Officer Commanding the Division may, by notification in Divisional Orders, delegate any of his functions under this Code, to any officer named in such notification; and may, in like manner, vary or rescind any notification so made.

283. (1) The Cantonment Committee may, by order in writing, delegate any of its functions to a sub-committee consisting of any two or more of the members of the Cantonment Committee.

(2) Every order passed by a sub-committee appointed under sub-section (1) shall have the same effect as an order of the Cantonment Committee:

Provided that the Cantonment Committee may, in any particular case, require that any order so passed be submitted to it for confirmation before issue.

Notices.

284. Where any notice issued under any section of this Code requires an act to be done for which no time is fixed by such section, the notice shall specify a reasonable time for doing the same; and it shall rest with the Court to determine whether the time so specified was a reasonable time within the meaning of this section.

285. Where it is provided by this Code that a notice may be given to the owner, lessee or occupier of any land or building, and the owner or lessee and the occupier are different persons, the notice shall be given to the one of them primarily liable to comply with such notice, and, in case of doubt, to both of them:

Provided that, where there is no owner or lessee resident in the cantonment, the delivery of the notice to the occupier shall be sufficient.

Authentication and validity of notice issued by cantonment authority.

286. Every notice issued by the cantonment authority under this Code shall be signed—

- (a) by the President or Secretary of the Cantonment Committee (if any); or
- (b) by the members of any sub-committee specially authorized by the Cantonment Committee (if any) in this behalf; or
- (c) if a Cantonment Committee has not been constituted or has ceased to exist or cannot be convened, by the Commanding Officer of the cantonment.

287. (1) Unless it is in this Code in any case otherwise expressly provided, every public notice issued thereunder shall be published by proclamation or in such other manner as the Local Government may direct.

(2) Such proclamation as aforesaid shall be made by such method as the authority issuing the notice, or the Cantonment Magistrate, may deem to be the customary method.

Penalties and Prosecutions.

288. (1) Whoever, in any case in which a penalty is not expressly provided elsewhere in this Code, fails to comply with any notice thereunder or otherwise commits a breach of any of the provisions thereof, shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees, and, in the case of a continuing breach, with an additional fine not exceeding five rupees for every day after the first in regard to which he is convicted of having persisted in the breach.

The Cantonment Code, 1909.

SCHEDULE I.

FORM 1.

RECEIPT.

[To be given to the person from whom the money is received.]

No. _____, Dated _____

Received from _____

on account of _____

Rs. _____

Signed _____

[To be retained in Cantonment Authority's Office.]

No. _____

Dated _____

Received from _____

on account of _____

Rs. _____

The Cantonment Code, 1909.

SCHEDULE I.

FORM 4.
CANTONMENT FUND CHEQUE.

Cheque Book No. _____
Cheque No. _____ Dated _____ 19 _____
To the Officer in charge of the Treasury at _____
Pay to _____ and charge to the _____
Rs. _____
Cantonment Fund.
Under Rs. _____
Signed _____
Secretary, Cantonment Committee,
or
President, Cantonment Committee,
or
Commanding Officer of the Cantonment.

This cheque is valid for three months only.

Cheque Book No. _____
Cheque No. _____
Dated _____
To _____
Rs. _____

The Cantonment Code, 1909.

SCHEDULE I.

FORM 6.

Imprest Register of the _____

Amount of Imprest, Rs. _____

Date.	No. of Sub-Voucher.	To whom paid.	Particulars of payments.	CLASSIFICATION.		Amount.
				Major head.	Minor head and sub-head.	
		Total drawn from treasury by Cheque No. _____ on Voucher No. _____				

The Cantonment Code, 1909.

SCHEDULE I.

FORM 8.

Budget Estimate of Receipts into the _____ Cantonment Fund for
the year _____ dated _____ 19____ contd.

Heads of Receipt.	Average (past three years).	Actuals (previous years).	ESTIMATE CURRENT YEAR.		Estimate (ensuing year).	Explanatory marks.
			Original as sanctioned by the Officer Commanding the Division.	Revised.		
	Rs.	Rs.	Rs.	Rs.	Rs.	
VI.—Miscellaneous—						
Sale of Old Materials						
Contributions (c) Provincial and Local Grants						
Road Watering Subscriptions						
Rents of Houses						
Sales of Fruit, Grass, etc.						
Other Miscellaneous Receipts (Slaughter-houses, Markets, etc.) to be detailed in manuscript on the back of this form.						
TOTAL						
VII.—Public Works—						
Tolls and Ferries						
Miscellaneous						
TOTAL						
VIII.—Deposits and Advances—						
Total Receipts from local sources						
Grants-in-aid allotted by the Officer Commanding the Division, viz.:						
For Hospitals and Dispensaries						
For Conservancy						
For Sadar Bazar Establishments						
For Tree-tending and Forests						
For						
TOTAL						
Opening Balance						
GRAND TOTAL						

(c) Purpose of any such contribution to be stated in "Explanatory Remarks" Column.

Secretary, Cantonment

Committee.

CANTONMENT AUTHORITY'S OFFICE;

Dated

19 .

President, Cantonment Committee,

OR

Commanding Officer of the Cantonment.

The Cantonment Code, 1909.

SCHEDULE I.

FORM 8.

Budget Estimate of Expenditure from the _____ Cantonment Fund
for the year _____ dated _____ 19 _____ contd.

Heads of Expenditure.	Average (past three years).	Actuals (previous years).	ESTIMATE (CURRENT YEAR).		Estimate (ensuing year).	Explanatory remarks.
			Original as sanctioned by the Officer Commanding the Division.	Revised.		
	Rs.	Rs.	Rs.	Rs.	Rs.	
1.—Refunds—						
Refunds of Taxes						
Miscellaneous Refunds						
TOTAL						
2.—Charges for Collection of Land Revenue—						
Collecting Establishment						
Contingencies						
TOTAL						
3.—General Administration—						
Cantonment Magistrate						
Assistant Cantonment Magistrate						
Establishment						
Contingencies						
TOTAL						
4.—Law and Justice—Courts of Law—						
5.—Law and Justice—Jails—						
6.—Education—						
Grants-in-aid to Schools						
7.—Medical—						
Hospitals and Dispensaries—						
Establishment						
Contingencies						
Vaccination—						
Establishment						
Contingencies						
TOTAL						
8.—Minor Departments—						
Public Gardens, Tree-planting and Forests—						
Establishment						
Contingencies						
Cemeteries—						
Establishment						
Contingencies						
Conservancy—						
Establishment						
Contingencies						
Public Fairs and Exhibitions—						
Establishment						
Contingencies						
Water-supply—						
Establishment						
Contingencies						
TOTAL						

The Cantonment Code, 1909.

SCHEDULE I.

FORM 8.

Budget Estimate of Expenditure from the _____ Cantonment Fund
for the year _____ dated _____ 19 —contd.

Heads of Expenditure.	Average (past three years).	Actuals (previous year.)	ESTIMATE (CURRENT YEAR).		Estimate (ensuing year).	Explanatory marks.
			Original as sanctioned by the Officer Commanding the Division.	Revised.		
	Rs.	Rs.	Rs.	Rs.	Rs.	
9.—Superannuation—						
Pensions (d)						
Contributions towards provident funds						
10.—Miscellaneous—						
Rents, Rates and Taxes						
Petty Establishments						
Contingencies						
Pounds						
TOTAL						
11.—Public Works—						
<i>Original Works—</i>						
Buildings						
Roads						
Other works						
<i>Maintenance and Repairs—</i>						
Buildings						
Roads						
Other works						
Petty constructions and repairs						
TOTAL						
12.—Deposits and Advances—						
TOTAL EXPENDITURE						
CLOSING BALANCE						
GRAND TOTAL						

(d) Sanctioned prior to the commencement of the Cantonment Code, 1899, which does not now allow the grant of pensions or gratuities.

Secretary, Cantonment

Committee.

President, Cantonment Committee,

or

Commanding Officer of the Cantonment.

CANTONMENT AUTHORITY'S OFFICE;

Dated

19 . }

CONSERVANCY ESTABLISHMENTS.

[illegible]

Signed—
President, Cantonment Committee,
OR
Commanding Officer of the Cantonment.

The Cantonment Code, 1909.

SCHEDULE I.

FORM 8.—APPENDIX B—*contd.*

1	2	3		4	
Major head.	Minor heads and sub-heads.	Details.		Total assignment in Cantonment Fund Budget Estimate.	
			Rs.	A. P.	Rs. A. P.
Education	Grants-in-aid to schools.				
Medical	Hospitals and Dispensaries: Contingencies.				
	Vaccinations: Contingencies.				

The Cantonment Code, 1909.

SCHEDULE I.

FORM 8.—APPENDIX B—*contd.*

1	2	3			4	
Major head.	Minor heads and sub-heads.	Details.			Total assignment in Cantonment Fund Budget Estimate.	
			Rs.	A. P.	Rs.	A. P.
	Conservancy: Contingencies.					
MINOR DEPARTMENT.	Public Fairs and Exhibitions: Contingencies.					
	Water-supply: Contingencies.					

The Cantonment Code, 1909.

SCHEDULE I.

FORM 8.—APPENDIX C.

Major Head "Public Works."

Details of Budget Estimate for Original Works (construction of Buildings, Roads, Latrines, etc.) in the _____ Cantonment
for the year _____ 19 _____

1	2	3	4	5	6	7
Sub-heads.	Nature of each work.	Estimated cost of work.	* Estimate for current year.	Previously expended	Estimate for (ensuing year).	REMARKS.
Buildings						
Roads						
Other works						

Note.—Column 3 will show the entire cost of the work; column 4, the sum sanctioned for expenditure during the current year; column 5, the amount previously expended since commencement of the work; and column 6, the amount proposed for expenditure during the ensuing year. Thus, if the work is to be completed during the ensuing year, the total of columns 4, 5 and 6 will equal that in column 3; otherwise the difference will show the amount which will still be required to complete the work.

* The totals in column 4 will agree with the allotments made in the body of the revised estimate for the current year.

Signed _____
Secretary, Cantonment Committee.

Signed _____
President, Cantonment Committee,
OR
Commanding Officer of the Cantonment.

The Cantonment Code, 1909.

SCHEDULE I.

FORM 8.—APPENDIX D.

Major Head "Public Works."

Details of Budget Estimate for Maintenance and Repairs in the _____ Cantonment for the year _____

Sub-heads.	Nature of each work.	Estimate (ensuing year).	REMARKS.
Buildings			
Roads			
Other works			
Petty Construction and Repairs			

Signed _____

President, Cantonment Committee,

or

Commanding Officer of the Cantonment.

Signed _____

Secretary, Cantonment Committee.

FORM

HOUSE Tax Demand Register for
LAND

(To be printed in open)

[Note.—Taxes of the second half-year collected in advance in the first half should be entered

[illegible]

The Cantonment Code, 1909.

the five years 190 -190 to 190 -190 .

Royal with open fly leaves.)

in red ink below the entries of collections for the first half. The page totals should also be similarly made.]

[illegible]

B.

Register for the year 190 -190 .

27

es for the year 190 -190 .

[illegible]

FOR

[Articles 105 and 123. To]

[Note.—At the top of all items coming under the same head of receipt, the nature of the revenue should be written in red ink register new items of the same class. A red line should be drawn across the register after each such total with a view ink separately below the entry for kist. Composition fees should be shown as a realisation of the month concerned again in column 9.]

[illegible]

E.

Royal with open fly leaves.)

[illegible]

F. WARRANTS.

registers and in the bills concerned and place his initials in column 20 of this register in token thereof. When property is distrained, a note to that effect should be made in the register, and a separate warrant book should be set aside for each of whom separate warrant books with consecutive numbers should be set aside. The numbers of the warrants issued to each of these persons should be noted in the register.

during next year.												REMARKS.
Private scavenging fees.			Tax on animals, vehicles and carts.			Other items.			If executed, reference to number in the register of dis-trained property.	If written-off, reference to number in the register of writes-off.	Warrant fee Collected.	
Amount of tax involved.	Amount of tax collected.		Amount of tax involved.	Amount of tax collected.		Amount of tax involved.	Amount of tax collected.					
34	35		36	37		38	39		40	41	42	43
Rs. A. P.	Rs. A. P.		Rs. A. P.	Rs. A. P.		Rs. A. P.	Rs. A. P.				Rs. A. P.	

The Cantonment Code, 1909.

SCHEDULE III.

(See section 208.)

FORM OF NOTICE TO ATTEND AT HOSPITAL, ETC.

To _____

Take notice that, under section 208 of the Cantonment Code, 1909, you are hereby called upon to attend at the _____ on _____ day, the _____, 19____, at _____ o'clock _____ M., and not to quit the said _____ without the permission of the Medical Officer in charge unless and until that Officer is satisfied that you are not in fact suffering, or are no longer suffering, from an infectious or contagious disorder, that is to say, from _____

Medical Officer in charge of the

Dated _____, the _____, 19____

The Cantonment Code, 1909.

SCHEDULE IV.

(See section 242.)

CASES IN WHICH POLICE MAY ARREST WITHOUT WARRANT.

Section.	Subject.
PART A.	
67 (a) (i)	Drunkenness, etc.
197	Making or selling of food, etc., or washing of clothes, by infected person.
277	In contravention of bye-law, cutting or destroying trees or shrubs or making excavations, etc., in hill cantonment.
PART B.	
67 (a) (ii)	Using threatening or abusive words, etc.
67 (a) (iii)	Indecent exposure of person, etc.
67 (a) (iv)	Begging.
67 (a) (v)	Exposing deformity, etc.
67 (a) (vii)	Gaming.
67 (a) (xii)	Destroying public notice, etc.
67 (a) (xiii)	Breaking direction-post, etc.
67 (g)	Keeping common gaming-house, etc.
67 (h)	Intruding on bathing-place, etc.
67 (i)	Playing music.
67 (j)	Singing, etc., so as to disturb public peace or order.
67 (k)	Firing gun, or doing other act, so as to frighten animals or cause annoyance or danger.
67 (n)	Baiting.
90 (2)	Destroying, etc., name of street or number affixed to building.
140	Rash riding or driving.
141	Riding or driving at time or in manner prohibited.
142	Driving, etc., between nightfall and dawn without a suitable lamp.
144	Leaving vehicle or animal without proper control.
146	Obstructing street.
161	Polluting source of public drinking water-supply.
162	Impairing quality, or diminishing quantity, of water in source of public drinking water-supply or injuring or impairing usefulness of water-works.
163	Trespass on water-works.
166	Throwing corpse into a source of public water-supply.
170	Bathing or washing at public well or spring so as to pollute the water.
175	Feeding animal on filth, etc.
209 (2)	Remaining in, or re-entering, cantonment after notice of expulsion for failure to attend hospital or dispensary.
210	Introducing liquor or drug into hospital or dispensary.
213	Mendicancy.
214	Loitering or importuning for sexual immorality.
215 (3)	} Remaining in, or returning to, a cantonment after notice of expulsion.
216	
218	Cruelty to animals.
224	Letting off fireworks, etc., without permission.

The Cantonment Code, 1909.
SCHEDULE V.
(See Chapter XIX.)
APPEALS FROM EXECUTIVE ORDERS.

1	2	3	4
Section.	Executive order.	Appellate authority.	Time allowed for appeal.
21	Cantonment Magistrate's order dismissing servant of cantonment authority.	Cantonment authority	Thirty days from date of order.
78 (e)	Cantonment authority's notice to provide sufficient drainage.	Officer Commanding the Division.	Fifteen days from service of notice.
82	Cantonment authority's notice to fill up a tank or marshy ground, or to drain off or remove waste or stagnant water.	Ditto ditto	Thirty days from service of notice.
85	Cantonment authority's notice requiring a building to be repaired or altered so as to remove sanitary defects.	Ditto ditto	Ditto ditto.
92 (1)	Cantonment authority's refusal to sanction the erection or re-erection of a building.	Ditto ditto	Thirty days from date of refusal.
92 (3)	Cantonment authority's notice to alter or demolish a building.	Ditto ditto	Thirty days from service of notice.
95	Cantonment authority's notice to pull down or otherwise deal with a building newly erected or rebuilt without permission over a sewer, drain, culvert, water course or water-pipe.	Ditto ditto	Ditto ditto.
96	Cantonment authority's notice to repair, protect or enclose a building, well, tank, reservoir, pool, depression or excavation.	Ditto ditto	Ditto ditto.
97	Cantonment authority's notice to remove a building, wall or structure or anything affixed thereto, or a bank or tree, or to repair a building, wall, structure or bank.	Ditto ditto	Ditto ditto.
110 (1)	Cantonment authority's notice to close a sarāi.	District Magistrate	Ditto ditto.
119 (3)	Cantonment authority's notice to close a market.	Officer Commanding the Division.	Ditto ditto.
128	Cantonment authority's notice prohibiting or restricting the use of a slaughter-house.	District Magistrate	Twenty-one days from service of notice.
209	Order of Commanding Officer of cantonment, on report of Medical Officer, directing a person to remove from the cantonment and prohibiting him from re-entering it without permission.	I.—The Commander-in-Chief if the Commanding Officer of the cantonment is the Officer Commanding the Division. II.—The Officer Commanding the Division in all other cases.	Thirty days from service of notice.
215 (3)	Cantonment Magistrate's notice directing a person to remove from the cantonment and prohibiting him from re-entering it without permission.	District Magistrate	Ditto ditto.

The Cantonment Code, 1909.
SCHEDULE V—*contd.*

Section.	Executive order.	Appellate authority.	Time allowed for appeal.
216	Cantonment Magistrate's notice issued on order of the Commanding Officer of cantonment, directing a person to remove from the cantonment and prohibiting him from re-entering it without permission.	I.—The Commander-in-Chief if the Commanding Officer of the cantonment is the Officer Commanding the Division. II.—The Officer Commanding the Division in all other cases.	Thirty days from service of notice.
251 (2)	Order of Commanding Officer of cantonment refusing to convene a committee of arbitration.	I.—The Commander-in-Chief if the Commanding Officer of the cantonment is the Officer Commanding the Division. II.—The Officer Commanding the Division in all other cases.	Thirty days from date of order.
	Cantonment authority's notice in pursuance of conditions of lease, requiring a lessee to let a house, not already occupied by military officer, to a military officer.	Officer Commanding the Division.	Twenty-one days from service of notice.
60 and Schedule VI (Conditions of Lease).	Cantonment authority's notice, in pursuance of conditions of lease, requiring a lessee to let a house to a civil officer.	Ditto ditto .	Ditto ditto.
	Cantonment authority's notice, in pursuance of conditions of lease, requiring a tenant to vacate a house.	Ditto ditto .	Ditto ditto.

SCHEDULE VI.

(See Section 264).

Form of Lease to be executed in cases of land applied for by a railway company, or for the purpose of erecting a hospital, school or other public building

FORM A*.

This Indenture made the _____ day of _____ 190____
Between the Secretary of State for India in Council (hereinafter called the Secretary of State which expression where the context so admits shall include his successors in office and assigns) of the one part, and

(Hereinafter called the Lessee (s) which expression where the context so admits shall include ^{its}_{their} successors and assigns) of the other part.

Whereas the Lessee (s) ^{has}_{have} applied for permission to occupy, for the purposes of a building site, the land belonging to the Government in the Cantonment which is delineated in the site-plan hereto appended, and ^{has}_{have} submitted with ^{its}_{their} application the particulars and documents required by sections 261 and 262 of the Cantonment Code, 1909.

And whereas the said application has received the sanction of the Officer Commanding the _____ Division.

Now this Indenture witnesseth as follows—

The Secretary of State doth hereby grant unto the Lessee (s) liberty and license to enter into and upon the piece or parcel of land delineated in the site-plan hereto appended

* Copies of the Form, with the annexure, will be obtainable gratis on application to the Cantonment Magistrate.

*The Cantonment Code, 1909.*SCHEDULE VI—*contd.*

and henceforth to occupy and enjoy the same as a site for the erection of buildings, and
 † Fill in as the case may be "free of rent but" henceforth to hold and enjoy the same and any
 or "subject to the payment of the yearly rent of Rs. buildings erected by ^{it} _{them} thereon† subject to the
 and " conditions set forth in the annexure hereto. †

2. The Lessee (s) hereby covenant (s) with the Secretary of State that the Lessee
 Strike out words in brackets if no rent is pay- shall and will (duly pay the said rent in the
 able. manner provided in the annexure hereto and)
 observe all and every the conditions hereinbefore referred to and on ^{its} _{their} part to be
 observed—

In Witness whereof the Secretary of State has hereunto set his hand and seal

When the parties execute on separate dates,
 omit the words "*the day and year first above writ-*
ten" and add the dates below the signatures. The
 last of such dates will be entered in the commence-
 ment as the day of making the indenture.
 Strike out to suit facts.

and the Lessee (s) ^{has caused its common seal to be affixed}
^{have also set their hands and seals}
 the day and year first above written.

Signed, Sealed and Delivered by
 principal staff officer of the
 Division on behalf of the Officer Com-
 manding the said Division acting in the
 premises for and on behalf of the Secre-
 tary of State for India in Council in the
 presence of—

The common seal of the
 was hereto affixed in the Company
 of ————— presence

or
 Signed, Sealed and Delivered by
 the above named
 in the
 presence of—

ANNEXURE TO FORM A.

Conditions.

Condition I.—The buildings to be erected on the land shall be commenced within six
 months from the execution of the lease and shall
 Commencement and completion of buildings. be completed within the period specified in the
 note endorsed on such plan or within such further period (if any) as the authority which
 sanctioned the application under *Chapter XXI of the Cantonment Code, 1909*, may by
 order in writing allow.

Condition II.—(1) The said buildings shall be erected in accordance with the parti-
 culars specified in the Lessee (s)' application
 Erection of buildings. under sections 261 and 262 of the said Canton-
 ment Code and the plans and documents accompanying the same and the site-plan append-
 ed hereto or where a proposed building, alteration or addition is not in accordance there-
 with then in accordance with such further or other particulars as may be permitted in
 writing by the authority which sanctioned the application under *Chapter XXI* of the said
 Code.

(2) Any such permission may be made subject to any conditions which may be agreed
 upon between such authority and the Lessee (s).

Condition III.—The land shall not be used for any purposes other than those specified
 in the Lessee (s)' application under section 261,
 Use of land and maintenance of buildings. clause (d), of the Cantonment Code, 1909, nor
 shall the buildings erected on the land be permitted to fall into such a state of ruin as
 absolutely to prevent their being used for the purposes so specified. Provided always
 that if the said buildings or any part thereof shall at any time be destroyed by earthquake,
 fire, cyclone or other act of God or shall be so injured thereby as to render them unfit for
 the purposes above specified then and in such case the Lessee (s) shall within six calendar
 months from such destruction or injury as aforesaid commence to rebuild the same and
 shall reinstate the same fit for use for the purposes aforesaid within such period not
 exceeding two years after the same shall have been so destroyed or injured as aforesaid
 as to the Officer Commanding the Division shall seem fit provided never-

The Cantonment Code, 1909.

SCHEDULE VI—contd.

theless that in no such case shall the Lessee (s) be required to reinstate the same fit for use as aforesaid within a shorter period than twelve calendar months from the date of such destruction or injury.

Condition III (A).—The Lessee (s) shall pay the said yearly rent of Rs. by equal monthly instalments of Rs. and the said instalments shall be paid on the fifteenth day of every month during the continuance of this demise for the month immediately preceding.

Condition IV.—(1) Whenever the Lessee (s) intend (s) to transfer by sale, gift, mortgage or exchange ^{its} ~~their~~ interest in the land or in the buildings erected on the land or in any part of the land or buildings ^{it} ~~they~~ or the intended transferee shall give the Cantonment Magistrate one month's notice in writing before the transfer is completed.

(2) The Officer Commanding the Division shall have power within the said period of one month and with the concurrence of the Local Government to impose by order in writing his veto on any such transfer, and, if in any case the Cantonment Authority considers it desirable that the said power of veto shall be exercised, it shall report the case to such Officer Commanding the Division without delay.

(3) If notice of any such transfer is not given as aforesaid or if any such transfer is made after the same has been vetoed the transfer shall be void.

Condition V.—Every person on whom the Lessee (s)' interest in the land or in the buildings erected on the land may devolve by transfer, by succession, or by operation of law shall send to the Cantonment Authority within one month from the date of such devolution a report in writing of the fact together with such particulars as may be required by that Authority for entry in the register maintained under section 271 or 272 as the case may be of the Cantonment Code, 1909.

Condition VI.—(1) If the Lessee (s) ^{does} ~~do~~ not commence or complete as required by Condition I the buildings to be erected on the land, the Cantonment Authority may, by notice in writing, require ^{it} ~~them~~ to remove all or any buildings or materials which ^{it} ~~they~~ may have erected or collected thereon and if ^{it} ~~they~~ fail (s) to comply with such notice the Cantonment Authority may after giving ^{it} ~~them~~ six hours' further notice in writing cause such removal to be effected and recover the cost from ^{it} ~~them~~ and may also cancel the lease.

(2) If the Lessee (s) erect (s) any building or make (s) any alteration or addition otherwise than as allowed by or under Condition II the Cantonment Authority may, by notice in writing, require ^{it} ~~them~~ to remove the building or to alter the same to its satisfaction and if ^{it} ~~they~~ fail (s) to comply with such notice of the Cantonment Authority, may after giving ^{it} ~~them~~ six hours' further notice in writing, cause such removal or alteration to be effected and recover the cost from ^{it} ~~them~~.

Condition VII.—(1) So long as the Lessee (s) shall duly [pay the said rent of Rs. and*] observe the conditions herein before specified and on ^{its} ~~their~~ part to be observed ^{it} ~~they~~ may subject to Condition IX hold the land for ever without interruption by the Secretary of State.

(2) If the Lessee (s) shall [fail to pay the said *rent of Rs. for 21 days after the same shall become due or shall] in the event of the said buildings being destroyed or injured by earthquake, fire, cyclone or other act of God fail to commence rebuilding the same as provided in Condition III hereof within six months of such destruction or injury and to reinstate the same fit for use as provided in the said Condition III hereof and within such period as therein provided or shall break any of the conditions hereinbefore specified other than Condition I or Condition II and on ^{its} ~~their~~ part to be observed the Local Government may after giving one month's notice in writing resume possession of the land or any portion thereof and may on such resumption declare all or any part of the right and interest of the Lessee (s) in the buildings erected on the land to be forfeited.

Condition VIII.—The Lessee (s) shall not be entitled to compensation for any loss incurred by reason of anything done in pursuance of Condition VI or Condition VII, clause (2).

Condition IX.—The Local Government may resume possession of the said land or any portion thereof at any time upon giving one calendar month's previous notice in writing in

*The Cantonment Code, 1909.*SCHEDULE VI—*contd.*

that behalf to the Lessee (s) under the hand of some duly authorised officer and upon paying to the Lessee (s) compensation for such erections and buildings standing on the land of which possession shall be resumed as aforesaid as shall have been erected during the said term under proper authority. If there shall be any dispute as to the amount of such compensation the same shall be referred to a Committee of Arbitration which shall be constituted as provided in Chapter XX of the Cantonment Code, 1909, and the Lessee (s) shall be bound by the decision of such Committee. In calculating the amount of such compensation there shall be taken into account the following:—

- (i) The original cost of materials and construction.
- (ii) The condition of the buildings and their value at the date of resumption.
- (iii) The rent or profit (if any) or the equivalent which the Lessee may receive or enjoy from the use of the buildings or on account thereof.
- (iv) The period within which the buildings would become the property of Government without payment of any compensation to the Lessee.

The Lessee shall not at any time during the said term remove the buildings erected on the said land or any part thereof nor make any structural alteration thereof or addition thereto without the like written permission as is mentioned in Condition II hereof.

Form of Lease to be executed in cases of lands situate in a bazar.

FORM B*.

This Indenture made the _____ day of _____ 190____ Between the Secretary of State for India in Council (hereinafter called the Secretary of State which expression where the context so admits shall include his successors in office and assigns) of the one part and _____

son of _____

of _____ (hereinafter called the Lessee which expression where the context so admits shall include his heirs, executors, administrators and assigns) of the other part. Whereas the Lessee has applied for permission to occupy for the purpose of a building site the land belonging to the Government in the _____ Cantonment which is delineated in the site-plan hereto appended and has submitted with his application the particulars and documents required by sections 261 and 262 of the Cantonment Code, 1909, and whereas the said application has received the sanction of the Cantonment Authority of _____

Now this Indenture witnesseth as follows—

1. The Secretary of State doth hereby grant unto the Lessee liberty and license to enter into and upon the piece or parcel of land delineated in the site-plan hereto appended and henceforth to occupy and enjoy the same as a site for the erection of buildings and henceforth to hold and enjoy the same and any buildings erected by him thereon †

† Fill in as the case may be "Free of rent but" or "subject to the payment of the yearly rent of _____ Rs. _____ and" subject to the conditions set forth in the annexure hereto.

2. The Lessee doth hereby covenant with the Secretary of State that the Lessee shall and will [duly pay the said rent in the manner provided in the annexure hereto and] observe all and every the conditions hereinbefore referred to and on his part to be observed.

When the parties execute on separate dates omit the words "the day and year first above written" and add the dates below the signatures. The last of such dates will be entered in the commencement as the day of making the indenture.

In Witness whereof the said parties hereto have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered by the Cantonment Authority of _____ acting in the premises for and on behalf of the Secretary of State for India in Council in the presence of _____

Signed, Sealed and Delivered by the abovenamed _____

in the presence of _____

ANNEXURE TO FORM B.

Conditions.

Condition 1.—The buildings to be erected on the land shall be commenced within six months from the execution of the lease and shall be completed within the period specified in the note endorsed on such plan or within such further period (if any) as the authority which

* Copies of this Form, with the annexure, will be obtainable gratis on application to the Cantonment Magistrate.

*The Cantonment Code, 1909.*SCHEDULE VI—*contd.*

sanctioned the application under *Chapter XXI of the Cantonment Code, 1909*, may, by order in writing, allow.

Condition II.—(1) The said buildings shall be erected in accordance with the particulars specified in the Lessee's application under sections 261 and 262 of the said Cantonment

Erection of buildings.

Code and the plans and documents accompanying the same and the site-plan appended hereto or where a proposed building, alteration or addition is not in accordance therewith then in accordance with such further or other particulars as may be permitted in writing by the authority which sanctioned the application under *Chapter XXI* of the said Code.

(2) Any such permission may be made subject to any conditions which may be agreed upon between such authority and the Lessee.

Condition III.—The land shall not be used for any purposes other than those specified in the Lessee's application under section 261, clause (d) of the Cantonment Code, 1909, nor

Use of land and maintenance of buildings.

shall the buildings erected on the land be permitted to fall into such a state of ruin as absolutely to prevent their being used for the purposes so specified, provided always that if the said buildings or any part thereof shall at any time be destroyed by earthquake, fire, cyclone or other act of God or shall be so injured thereby as to render them unfit for the purposes above specified, then and in such case, the Lessee shall within six calendar months from such destruction or injury as aforesaid, commence to rebuild the same and shall reinstate the same fit for use for the purposes aforesaid, within such period not exceeding two years after the same shall have been so destroyed or injured as aforesaid as to the Cantonment Authority of shall seem fit. Provided nevertheless that in no such case shall the Lessee be required to reinstate the same fit for use as aforesaid within a shorter period than twelve calendar months from the date of such destruction or injury.

Condition III (a)—The Lessee shall pay the said yearly rent of Rs. by equal

This clause to be struck out if the land is rent free. monthly instalments of Rs. and the said instalments shall be paid on the fifteenth day of every month during the continuance of this demise for the month immediately preceding.

Condition IV.—(1) Whenever the Lessee intends to transfer by sale, gift, mortgage

Power to veto transfer of Lessee's interest in certain cases. or exchange his interest in the land or in the buildings erected on the land or in any part of the land or buildings he or the intended transferee shall give the Cantonment Magistrate one month's notice in writing before the transfer is completed.

(2) The Officer Commanding the Division shall have power, within the said period of one month and with the concurrence of the Local Government, to impose by order in writing, his veto on any such transfer and if in any case the Cantonment Authority considers it desirable that the said power of veto should be exercised, it shall report the case to such General Officer without delay.

(3) If notice of any such transfer is not given as aforesaid, or if any transfer is made after the same has been vetoed the transfer shall be void.

Condition V.—Every person on whom the Lessee's interest in the land or in the buildings erected on the land, may devolve by

Report of devolution of Lessee's interest.

shall send to the Cantonment Authority within one month from the date of such devolution a report in writing of the fact together with such particulars as may be required by that authority for entry in the register maintained under section 271 or 272, as the case may be, of the Cantonment Code, 1909.

Condition VI.—(1) If the Lessee does not commence or complete as required by Con-

Procedure on breach of Condition I or Condition II. dition I the buildings to be erected on the land the Cantonment Authority may, by notice in writing, require him to remove all or any buildings or materials which he may have erected or collected thereon; and if he fails to comply with such notice the Cantonment Authority may, after giving him six hours' further notice in writing, cause such removal to be effected and recover the cost from him, and may also cancel the lease.

(2) If the Lessee erects any building or makes any alteration or addition otherwise than as allowed by or under Condition II the Cantonment Authority may, by notice in writing, require him to remove the building or to alter the same to its satisfaction, and if he fails to comply with such notice the Cantonment Authority may, after giving him six hours' further notice in writing, cause such removal or alteration to be effected and recover the cost from him.

Condition VII.—(1) So long as the Lessee shall duly* [pay the said rent of Rs.

Forfeiture for breach of any other condition.

*The words in brackets to be omitted if the land is rent free.

and] observe the conditions hereinbefore specified, and on his part to be observed he may, subject to Condition IX, hold the land for the

*The Cantonment Code, 1909.***SCHEDULE VI.—contd.**

*Fill in as the case may be "Free of rent but" or "subject to the payment of the yearly rent of Rs. and "

and to occupy the same as a site for the erection of buildings and henceforth to hold and enjoy the same and any buildings erected by him thereon* subject to the

conditions set forth in the annexure hereto—

2. The Lessee doth hereby covenant with the Secretary of State that the Lessee shall and will duly [pay the said rent in the manner provided in the annexure hereto and] observe all and every the conditions hereinbefore referred to and on his part to be observed. *In witness whereof the said parties hereto have hereunto set their hands and seals the day and year first above written.*—

Strike out words in brackets if no rent payable. When the parties execute on separate dates omit the words "the day and year first above written" and add the dates below the signatures. The last of such dates will be entered in the commencement as the day of making the Indenture.

Signed, Sealed and Delivered by
Principal Staff Officer of the
of the Officer Commanding the said Division acting
in the premises for and on behalf of the Secretary of State for India in Council in the
presence of

Division on behalf

Signed, Sealed and Delivered by the abovenamed
in the presence of

ANNEXURE TO FORM C.**Conditions.**

In these conditions:—

- (a) "house" means the house erected on the land occupied by the Lessee, and includes the land and building appurtenant to the house; and if any question arises whether any land or building appurtenant to the house it shall be decided by the Cantonment Magistrate, whose decision thereon shall, subject to revision by the District Magistrate, be final,
- (b) the expression "repairs" to a house shall be deemed to include such repairs as are usually made in the neighbourhood to buildings of the same class as that to which the house belongs, but does not include additions, improvements or alterations except in so far as they are necessary to carry out such repairs as aforesaid or have been made with the Lessee's consent,
- (c) "Military Officer" means a commissioned or warrant officer of the army on military duty in the cantonment and includes a Chaplain, a Cantonment Magistrate, and any person in army departmental employment whom the Officer Commanding the Division may, for the purposes of these conditions, place on the same footing as a military officer and
- (d) "civil officer" means a gazetted civil officer of the Government and includes any other person in the service of the Government not being a military officer whom the Local Government may, for the purposes of these conditions, place on the same footing as a civil officer.

Condition I.—The buildings to be erected on the land shall be commenced within six months from the execution of the lease, and shall be completed within the period specified in the note indorsed on such plan or within such further period (if any) as the authority which sanctioned the application under *Chapter XXI of the Cantonment Code, 1909*, may, by order in writing, allow.

Condition II.—(1) The said buildings shall be erected in accordance with the particulars specified in the Lessee's application under sections 261 and 262 of the said Cantonment Code, and the plans and documents accompanying the same and the site-plan appended hereto or where a proposed building, alteration or addition is not in accordance therewith than in accordance with such further or other particulars as may be permitted in writing by the authority which sanctioned the application under *Chapter XXI* of the said Code.

(2) Any such permission may be given subject to any conditions which may be agreed upon between such authority and the Lessee.

Condition III.—The land shall not be used for any purpose other than those specified in the Lessee's application under section 261, clause (d) of the Cantonment Code, 1909, nor shall the buildings erected on the land be permitted to fall into such a state of ruin as absolutely to prevent their being used for the purposes so specified. *Provided always* that if the said buildings or any part thereof shall at any time be destroyed by earthquake, fire, cyclone or other act of God or shall be so injured thereby as to render them unfit for the purposes above specified then and in such case the Lessee shall within six calendar

*The Cantonment Code, 1909.*SCHEDULE VI—*contd.*

months from such destruction or injury as aforesaid commence to rebuild the same and shall reinstate the same fit for use for the purposes aforesaid within such period not exceeding two years after the same shall have been so destroyed or injured as aforesaid as to the Officer Commanding the Division shall seem fit. *Provided nevertheless* that in no such case shall the Lessee be required to reinstate the same fit for use as aforesaid within a shorter period than twelve calendar months from the date of such destruction or injury.

Condition III (A).—The Lessee shall pay the said yearly rent of Rs. by equal monthly instalments of Rs. and the said instalments shall be paid on the 15th day of every month during the continuance of this demise for the month immediately preceding.

Condition IV (1).—Whenever the Lessee intends to transfer by sale, gift, mortgage or exchange his interest in the land or in the buildings erected on the land, or in any part of the land or buildings he or the intended transferee shall give the Cantonment Magistrate one month's notice in writing before the transfer is completed.

(2) The Officer Commanding the Division shall have power within the said period of one month and with the concurrence of the Local Government to impose by order in writing his veto on any such transfer and if in any case the Cantonment Authority considers it desirable that the said power of veto should be exercised it shall report the case to such Officer Commanding the Division without delay.

(3) If notice of any such transfer is not given as aforesaid or if any such transfer is made after the same has been vetoed the transfer shall be void.

Condition V.—Every person on whom the Lessee's interest in the land or in the buildings erected on the land may devolve by transfer, by succession, or by operation of law, shall send to the Cantonment Authority within one month from the date of such devolution, a report in writing of the fact together with such particulars as may be required by that authority for entry in the register maintained under section 271 or section 272 as the case may be, of the Cantonment Code, 1909.

Condition VI.—The Secretary of State reserves a right subject to the conditions hereinafter contained to appropriate the house at any time for occupation by any military officer or civil officer.

Condition VII.—If the Lessee lets the house to any person other than a military officer or (if the house has been set apart in accordance with Condition X for occupation by civil officers) a civil officer possession of the house shall not be given until—

(a) such person has executed a stamped agreement undertaking to vacate the house whenever required so to do in pursuance of a notice issued under Condition VIII or Condition X without claiming any compensation and has registered such agreement under the law for the time being in force relating to the registration of documents and

(b) the Lessee has forwarded an attested copy of such agreement to the Cantonment Authority.

Condition VIII.—Whenever the Cantonment Authority considers that the right reserved by Condition VI should be exercised on behalf of any military officer, it may if the house is not already occupied by a military officer and if it has not been set apart in accordance with Condition X for occupation by civil officers by notice in writing—

(a) require the Lessee to let the house to the military officer named in the notice and

(b) require the existing tenant (if any) to vacate the same.

Condition IX.—If the house is occupied by a departmental military officer and the Cantonment Authority considers that the right reserved by Condition VI should be exercised in behalf of a regimental officer, or *vice versa*, it may, by notice in writing, require the officer in occupation to vacate the house; and may, if necessary, by further notice in writing, require the Lessee to accept the change of tenancy.

Condition X.—(1) The Cantonment Authority may, at any time with the previous sanction of the Officer Commanding the Division, given with the concurrence of the Local Government, set apart the house for occupation by civil officers.

(2) If the house has been so set apart, the arrangement shall not be revoked without the concurrence of the Local Government.

*The Cantonment Code, 1909.*SCHEDULE VI—*contd.*

(2) If while the house is so set apart, the Cantonment Authority at any time considers that the right reserved by Condition VI should be exercised in behalf of any civil officer, it may, if the house is not already occupied by a civil officer, by notice in writing,—

(a) require the Lessee to let the house to the civil officer named in the notice, and

(b) require the existing tenant (if any) to vacate the same.

Condition XI.—(1) Whenever a military officer or a civil officer considers that a Procedure to be observed before appropriating notice should be issued in his behalf under Condition VIII, Condition IX or Condition X, he may request (in the case of a regimental officer) the Commanding Officer of his regiment or (in the case of a departmental military officer) the local head of his department or (in the case of a civil officer) the District Magistrate to make an application to that effect to the Cantonment Authority.

(2) On receipt of any such application the Cantonment Authority shall inquire into the case, and it shall not issue the notice unless it is satisfied—

(a) that the officer ought to reside in the Cantonment, and

(b) that the circumstances are such as to require its intervention, and

(c) that the rent offered by the officer for the house is reasonable, and

(d) if the house is vacant that it is suitable for the residence of the officer, and

(e) if the house is occupied, that it is suitable for the residence of the officer, and that there is no vacant house in the Cantonment which is suitable for his residence.

Explanation.—In considering whether a house is suitable for the residence of an officer regard shall be had to (I) the locality in which his duties chiefly lie, and (II) his rank.

Condition XII.—(1) The house shall not be occupied for the purposes of a bank, hotel, shop or school, or by a railway administration, without the previous written sanction of the Officer Commanding the Division given with the concurrence of the Local Government.

(2) Before application is made for such sanction the Commanding Officer of the Cantonment shall certify whether or not in his opinion the number of houses in the Cantonment, as compared with the strength of the existing or probable garrison, renders it likely that such occupation as aforesaid would—

(a) cause any difficulty in obtaining accommodation in the Cantonment, or in the part of the cantonment in which the house is situate, for military officers or civil officers, or

(b) necessitate the acquisition of land at some future time for the extension of the Cantonment.

House not to be appropriated for military or civil officer if it is occupied with sanction as a bank, hotel, shop or school or by a railway administration or is otherwise appropriated by the Government.

Condition XIII.—No notice shall be issued under Condition VIII or Condition X if the house—

(a) is occupied with the sanction required by Condition XII as a bank, hotel, shop or school and has been so occupied continuously during the three years immediately preceding the time when the occasion for issuing the notice arises, or

(b) is occupied, with the sanction aforesaid by a Railway administration, or

(c) is appropriated by the Local Government with the concurrence of the Officer Commanding the Division or by the Governor-General in Council, for use as a public office or for any other purpose.

Condition XIV.—Every notice to the Lessee issued under Condition VIII, Condition IX or Condition X shall state the amount of monthly rent which the proposed tenant offers

Rent offered to be stated in notice to lessee.

to pay for the house.

Condition XV.—If the house is unoccupied, any notice issued under Condition VIII or Condition X may require the Lessee to give possession of the same to the proposed tenant within four days from the service of the notice.

(2) If the house is occupied, no such notice as aforesaid shall require its vacation in less than thirty days from service of the notice.

Condition XVI.—(1) Subject to the terms of any agreement in writing between the Lessee and a military officer or a civil officer, and to the terms of this condition every lease

Terms of tenancy applicable to military and civil officers.

*The Cantonment Code, 1909.*SCHEDULE VI—*contd.*

of the house to such an officer shall be deemed to be a lease from month to month terminable—

(a) without notice in the case of the departure of the officer from the Cantonment on duty or under medical certificate or in the case of a Committee of Arbitration deciding that the house has become unfit for occupation, or

(b) by one month's notice in writing to the Lessee in any other case.

(2) A notice under clause (1) of this condition must be signed by or on behalf of the officer concerned, and the Cantonment Magistrate shall, if the officer so desires, cause it to be served on the Lessee free of charge.

(3) When a military officer or a civil officer has, in pursuance of clause (1) of this condition, given up his occupation of the house without notice and has occupied the house during a portion only of the calendar month in which his occupation ceased, he shall be liable to pay as rent for that portion a sum bearing the same proportion to the monthly rent as the said portion bears to the whole month :

Provided that the sum shall not, in any case, be less than one-fourth of the monthly rent.

Condition XVII.—If any tenant of the house, being a military officer or a civil officer, sublets the same without the consent of the Lessee, the sub-lease shall be voidable at the option of the Lessee.

Condition XVIII.—(i) If the Lessee considers that any rent offered by a proposed tenant and stated in a notice in accordance with Condition XIV is insufficient, he may, within a period of fifteen days from the service of such notice, require that the matter be referred by the Commanding Officer of the Cantonment to a Committee of Arbitration.

(a) If the Lessee does not make such a requisition within the said period, he shall be deemed to have accepted the rent so offered.

(3) After such acceptance of the decision of a Committee of Arbitration, the amount of such rent shall not be called in question by either party except in the circumstances mentioned in clause (a) of Condition XXI.

Condition XIX.—(1) If the Lessee fails to execute any repairs to the house which any tenant being a military or civil officer, may consider necessary, the Cantonment Authority may at the request of the tenant and if it is

(2) If the Lessee objects to comply with any notice issued under clause (1) of this condition he may within fifteen days from the service of the notice, require that the matter be referred by the Commanding Officer of the Cantonment to a Committee of Arbitration.

Condition XX.—If any tenant of the house, being a military or civil officer, considers that his lease should be terminable without notice in consequence of the house having become unfit for occupation, he may apply to the Commanding Officer of the Cantonment to refer the matter to a Committee of Arbitration.

Condition XXI.—If the Lessee and any tenant of the house, being a military or civil officer, disagree—

(a) as to any change in the rent of the house which is proposed in consequence of dilapidations or additions to buildings or for any other similar reason, or

(b) on any matter relating to rent or repairs other than a matter referred to in clause (a) of this Condition or in Condition XVIII, Condition XIX or Condition XX.

Either the Lessee or the tenant may apply to the Commanding Officer of the Cantonment to refer the matter to a Committee of Arbitration.

Condition XXII.—Whenever any matter is referred to a Committee of Arbitration in pursuance of Condition XVIII, Condition XIX, Condition XX or Condition XXI, the Committee shall be constituted as provided in Chapter XX of the Cantonment Code, 1909, and the Lessee and his tenant shall be bound by the decision of the Committee.

Condition XXIII.—If the Lessee fails to comply with any notice issued under clause (1) of Condition XIX, and has not within fifteen days from the service of such notice, required that the matter be referred to a Committee of Arbitration, or

if any Committee of Arbitration constituted under Chapter XX of the Cantonment Code, 1909, decides that repairs are necessary and the extent to which they are necessary and the Lessee fails to execute such repairs within a period to be specified in a notice

*The Cantonment Code, 1909.*SCHEDULE VI—*contd.*

issued by the Cantonment Authority in that behalf, the tenant of the house may himself cause the repairs specified in the notice to be executed at rates not exceeding those paid in the Cantonment by the Military Works Department or the Public Works Department and may deduct the cost thereof from the rent or otherwise recover it from the Lessee.

Condition XXIV.—(1) If the Lessee does not commence or complete as required by Condition I the buildings to be erected on the land, the Cantonment Authority may, by notice in writing, require him to remove all or any buildings or materials which he may have erected or collected thereon, and if he fails to comply with such notice, the Cantonment Authority may, after giving him six hours' further notice in writing, cause such removal to be effected and recover the cost from him and may also cancel the lease.

(2) If the Lessee erects any building or makes any alteration or addition otherwise than as allowed by or under Condition II, the Cantonment Authority may, by notice in writing, require him to remove the building or to alter the same to its satisfaction, and if he fails to comply with such notice, the Cantonment Authority may, after giving him six hours' further notice in writing, cause such removal or alteration to be effected and recover the cost from him.

Condition XXV.—(1) So long as the Lessee shall [*duly pay the said rent of Rs. and] observe the conditions hereinbefore specified and on his part to be observed, he may, subject to Condition XXVII, hold the land for the term of years computed from the day of without interruption by the Secretary of State.

(a) If the Lessee shall [fail to pay the said rent for Rs. for 21 days after the same shall become due or shall] in the event of the said buildings being destroyed or injured by earthquake, fire, cyclone or other act of God, fail to commence rebuilding the same as provided in Condition III hereof within six months of such destruction or injury and to re-instate the same fit for use as provided in the said Condition III hereof and within such period as therein provided or shall break any of the conditions hereinbefore specified other than Condition I or Condition II, and on his part to be observed, the Local Government may, after giving one month's notice in writing, resume the land or any portion thereof, and may, on such resumption, declare all or any part of the right and interest of the Lessee in the buildings erected on the land to be forfeited.

Condition XXVI.—The Lessee shall not be entitled to compensation for any loss incurred by reason of anything done in pursuance of Condition XXIV, or Condition XXV, clause (2).

Condition XXVII.—At the expiration of the said term of years the Lessee shall deliver up to the Local Government and without receiving any compensation whatever the land comprised in this demise together with all erections and buildings which may be then standing thereon. Provided always that the Local Government may at any time prior to the expiration of the said term resume possession of the said land or any portion thereof upon giving one calendar month's previous notice in writing in that behalf to the Lessee under the hand of the same duly authorised officer and upon paying to the Lessee compensation for such erections and buildings standing on the land of which possession shall be resumed as aforesaid as shall have been erected during the said term under proper authority. If there shall be any dispute as to the amount of such compensation, the same shall be referred to a Committee of Arbitration which shall be constituted as provided in Chapter XX of the Cantonment Code, 1909, and the Lessee shall be bound by the decision of such Committee. In calculating the amount of such compensation there shall be taken into account the following:—

- (i) The original cost of materials and construction.
- (ii) The condition of the buildings and their value at the date of resumption.
- (iii) The rent or profit (if any) or the equivalent which the Lessee may receive or enjoy from the use of the buildings or on account thereof.
- (iv) The period within which the buildings would become the property of Government without payment of any compensation to the Lessee.

The Lessee shall not at any time during the said term remove the buildings erected on the said land or any part thereof nor make any structural alteration thereof or addition thereto without the like written permission mentioned in Condition II hereof.

R. I. SCALLON, Major-General,
Secretary to the Government of India.

ARMY DEPARTMENT.

NOTIFICATION.

Simla, the 10th September 1909.

Under clause 53 of the Regulations appended to the Regimental Debts Act, 1893, it is notified that reports of the deaths of the undermentioned commissioned officers on the dates specified, were received in the Army Department between the 2nd and 7th September 1909 :—

Corps.	Rank and name.	Date of Decease.	Place of Decease.	Testate or Intestate.	REMARKS.
Argyll and Sutherland Highlanders.	Major Henry d'Estampes Vallancey, D.S.O.	2nd September 1909.	Ootacamund ...	...	...
2nd Battalion, Princess Victoria's (Royal Irish Fusiliers).	Major Richard Tucker Gray	3rd September 1909.	Murree " ...	...	...

R. I. SCALLON, *Major-General,*

Secretary to the Government of India.

MARINE DEPARTMENT.

Simla, the 10th September 1909.

APPOINTMENTS.

No. 48.—The following appointment has been made in the Royal Indian Marine by the Right Hon'ble the Secretary of State for India, with effect from the 15th June 1909 :—

To be a Sub-Lieutenant :

William Alexander Galbraith.

R. I. SCALLON, *Major-General,*

Secretary to the Government of India.

RAILWAY DEPARTMENT.

(RAILWAY BOARD.)

NOTIFICATIONS.

Simla, the 8th September, 1909.

No. 275.—Colonel C. H. Cowie, R.E., Manager, Eastern Bengal State Railway, has been granted by His Majesty's Secretary of State for India furlough for one year in extension of the leave granted to him in Railway Board's Notification No. 335, dated the 19th November 1908.

No. 276.—Mr. J. C. Lyle, officiating Engineer-in-Chief, Bombay Sind Connection Railway Survey, is transferred to the North Western Railway and appointed to officiate as Deputy Engineer-in-Chief, until further orders.

The 9th September, 1909.

No. 278.—Mr. Frank L. O'Donoghue is appointed a probationary Assistant Store-keeper in Class III, grade 4, of the Superior Revenue Establishment of State Railways and posted to the Oudh and Rohilkhand Railway.

The 8th September, 1909.

No. 277.—The following is published for general information :

No. 1612 R. T., dated the 1st September 1909.

RESOLUTION—By the Railway Board.

Adoption on such portions of the Jodhpur Bikaner Railway as are situate in British territory, of the amendments in rule 13 IX and 13 XI of Appendix B to the General Rules of 1906 for working open lines of railway.

READ—

Section 47 of the Indian Railways Act, 1890 (IX of 1890).

Government of India, Department of Commerce and Industry, notification No. 801, dated the 24th March 1905.

Railway Board's notification No. 183, dated the 8th September 1906, and Railway Board's circular No. R. T. ^{82-A.}₅, dated the 8th September 1906.

Railway Board's notification No. 183, dated the 22nd July 1907, and Railway Board's circular No. 562-R. T., dated the 5th July 1907.

Railway Board's notification No. 214, dated the 10th September 1907, and Railway Board's resolution No. 966 R. T., dated the 6th September 1907.

Railway Board's notification No. 221, dated the 16th July 1909, and Railway Board's circular No. 1225-R. T., dated the 6th July 1909.

READ ALSO—

Memorandum No. 2885, dated the 10th August 1909, from the Secretary to the Honourable the Agent to the Governor General in Rajputana, Public Works Department.

RESOLUTION.—The Manager of the Jodhpur Bikaner Railway has recommended the adoption on the Jodhpur Bikaner Railway of the amendments, promulgated under Railway Board's circular No. 1225-R. T., dated the 6th July 1909, and published under their notification No. 221, dated the 16th July 1909, in rule 13 IX and 13 XI of Appendix B to the General Rules of 1906 for working open lines of railway in British India, which rules and Appendix B thereto were sanctioned for adoption on such portions of the Jodhpur Bikaner Railway as are situate in British territory, in Railway Board's resolution No. 966-R. T., dated the 6th September 1907, read in the preamble above.

2. In exercise of the powers conferred by the notification of the Government of India in the Department of Commerce and Industry, No. 801, dated the 24th March 1905, read in the preamble above, the Railway Board sanction, under section 47, sub-sections (1) and (4), of the Indian Railways Act, 1890 (IX of 1890), the adoption of the amendments in Appendix B to the said General Rules, cited in paragraph 1 above, on such portions of the Jodhpur Bikaner Railway as are situate in British territory.

ORDER.—Ordered, that this resolution be published under a notification in Part I of the *Gazette of India* as required by section 47, sub-section (3), of the Indian Railways Act, 1890 (IX of 1890); also that the amendments cited in paragraph 1 above, which have already been published in the *Gazette of India*, be kept open for inspection at railway stations as directed by sub-section (6) of the same section, and that this resolution be communicated to the Secretary to the Honourable the Agent to the Governor General in Rajputana, Public Works Department, and to the Senior Government Inspector of Railways, Circle No. 5, Bombay, for information.

R. C. F. VOLKERS,
Secretary, Railway Board,



The Gazette of India.

PUBLISHED BY AUTHORITY.

No. 38.} SIMLA, SATURDAY, SEPTEMBER 18, 1909.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

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PART I.

Government of India Notifications, Appointments, Promotions, &c.

HOME DEPARTMENT.

NOTIFICATIONS.

ECCLESIASTICAL.

Simla, the 17th September, 1909.

No. 383.—The Reverend Bryan Bernard Carter has been appointed a chaplain on probation on the Bengal (Nagpur) ecclesiastical establishment to fill an existing vacancy.

EDUCATION.

The 17th September, 1909.

No. 826.—In exercise of the powers conferred by section 6, sub-section (1), clause (c) and section 10 of the Indian Universities Act, 1904 (VIII of 1904), His Excellency the Chancellor of the Calcutta University is pleased to nominate Mr. H. H. Hayden, B.A., B.E., F.G.S., to be an Ordinary Fellow of the Calcutta University.

H. A. STUART,

Secretary to the Government of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Simla, the 17th September, 1909.

No. 106.—Mr. C. E. Ross, Examiner of Accounts, Eastern Bengal State Railway, is granted under Articles 233, 260 and 311 (b) of the Civil Service Regulations combined leave for thirteen months, with effect from the 29th July 1909, *viz.*, privilege leave for one month and twenty-three days and furlough for the remaining period.

No. 107.—In supersession of Public Works Department Notification No. 85, dated 26th July 1909, Mr. C. S. B. Sinclair, Examiner of Accounts, attached to the office of the Examiner of Accounts, North Western Railway, is appointed Examiner of Accounts, Oudh and Rohilkhand Railway.

No. 108.—Mr. G. M. Harriott, C.I.E., Officiating Chief Engineer and Secretary, Central Provinces, Public Works Department, held charge of the Irrigation Circle of Superintendence in those Provinces in addition to his own duties from the 16th to the 25th July 1909, both days inclusive.

L. M. JACOB,

Secretary to the Government of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

Simla, the 15th September, 1909.

No. 3083-Est.-A.—Major R. L. Kennion, a Political Agent of the 4th class, is granted privilege leave for three months, combined with furlough for one year and nine months, under Articles 233 and 308 (b) of the Civil Service Regulations, with effect from the 6th September, 1909.

No. 3086-Est.-A.—Major W. F. T. O'Connor, C.I.E., a Political Agent of the 4th class, Supernumerary, is posted as His Britannic Majesty's Consul for Seistan and Kain, with effect from the 6th September, 1909.

No. 3089-Est.-A.—The undermentioned probationers for the Political Department are appointed to be Political Assistants of the 3rd class, with effect from the dates specified :

Lieutenant W. A. MacD. Garstin, 29th April, 1909.

Lieutenant C. T. C. Plowden, 16th May, 1909.

Lieutenant J. S. Crosthwaite, 26th July, 1909.

The 16th September, 1909.

No. 2056-G.—With the sanction of His Majesty's Government, the Governor General in Council is pleased to recognise the appointment of Mr. Charles K. Moser as Consul for the United States of America at Aden.

No. 3121-Est.-A.—Mr. W. P. Barton, a Political Agent of the 2nd class, is granted privilege leave for six weeks, with effect from the 21st August, 1909.

No. 3122-Est.-A.—Mr. H. N. Bolton, a Political Assistant of the 1st class, is appointed to act as Divisional and Sessions Judge, Peshawar, with effect from the 21st August, 1909.

The 17th September, 1909.

No. 1824-I B.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, and in supersession of the notification of the Government of India in the Foreign Department, No. 531-I. B., dated the 4th February 1901, as amended from time to time, the Governor-General in Council is pleased to apply to the areas in the Hyderabad State in which the Governor-General in Council exercises jurisdiction through the Resident at Hyderabad, the enactments specified in the schedule hereto annexed in so far as the same may be applicable :

Provided, first, that in the enactments as so applied—

(a) references to a Local Government, or to the chief controlling revenue authority, or to a High Court shall be read as referring to the Resident at Hyderabad; and

(b) except where the context otherwise requires references to British India or the territories subject to a Local Government shall be read as referring to the said areas :

Provided, secondly, that the further modifications and restrictions set forth in the schedule hereto annexed shall be made in the said enactments as so applied :

Provided, thirdly, that for the purpose of facilitating the application of the said enactments any Court in the said areas may construe the provisions thereof with such alterations, not affecting the substance, as may be necessary or proper to adapt them to the matter before the Court :

Provided, fourthly, that all civil and criminal proceedings pending at the date of this notification shall be carried on as if this notification had not been issued, but that, save as aforesaid, all proceedings commenced, officers appointed or authorised, jurisdictions conferred or confirmed, rules made, orders passed, and things done under any of the notifications hereby superseded in the said areas shall be, as far as may be, deemed to have been respectively commenced, appointed or authorised, conferred or confirmed, made, passed and done under this notification.

THE SCHEDULE.

Enactments and laws applied. Further modifications and restrictions.

I.—The Lunacy (District Courts) Act, 1858 (XXXV of 1858).

(1) The Resident at Hyderabad shall be deemed to be the Executive Government.

(2) For section 17-A the following shall be substituted :

" 17-A.—Whereas the Executive Government has not established within the areas in the Hyderabad State in which the Governor-General in Council exercises jurisdiction through the Resident at Hyderabad, any public asylum for the reception and detention of lunatics, the Governor-General in Council may, from time to time, appoint any asylum in British India to be an asylum to which any Magistrate or Judge exercising jurisdiction within the said areas may send lunatics, or any class of lunatics, as to an asylum established under this Act for those limits."

II.—The Indian Lunatic Asylums Act, 1858 (XXXVI of 1858).

III.—The Indian Penal Code, 1860 (XLV of 1860).

IV.—The Indian Succession Act, 1865 (X of 1865).

V.—The Court-fees Act, 1870, (VII of 1870).

(2) In section 30, for the words "figure heads" the words "centre of the stamp" shall be substituted.

VI.—The Cattle-trespass Act, 1871 (I of 1871).

VII.—The Indian Evidence Act, 1872 (I of 1872).

For section 13-A the following shall be substituted :—

VIII.—The Special Marriage Act, 1872 (III of 1872).

" 13-A.—The Registrar shall send to the First Assistant to the Resident at Hyderabad as soon as possible a true copy certified by him of the entry made in the said marriage certificate book."

IX.—The Indian Contract Act, 1872 (IX of 1872).

**X.—The Indian Majority Act,
1875 (IX of 1875).**

(1) In section 2, clause (b) for the words "Her Majesty's subjects in India" the words "persons within the local limits of the areas to which this law extends" shall be substituted.

(2) In section 3, after the words "the Code of Civil Procedure" and after the brackets, words and figures " (No. X of 1865) " the words "as applied to the local areas to which this law extends" shall be inserted.

(3) All references to a "British Indian domicile" shall be read as referring to a domicile in the areas to which this law extends.

(1) For section I the following shall be substituted :

" I. (1) This Act may be called the Vaccination Act, 1880.

(2) It shall come into force—

(a) in the Cantonments of Secunderabad and Aurangabad at once ; and

(b) in any other local area on the issue of a notification as hereinafter provided."

(2) For sections 4 and 5 the following shall be substituted :

" 4. The Resident at Hyderabad may, Extension of Act to other local areas. by notification in the Hyderabad Residency Orders, extend this Act to any other local area.

" 5. The Resident at Hyderabad may, Power to withdraw local area from operation of Act. by notification in the Hyderabad Residency Orders, withdraw any local area from the operation of this Act :

Provided that no notification shall be issued under this section in respect of the Cantonments of Secunderabad and Aurangabad without the previous sanction of the Governor-General in Council :

(3) For section 20 the following shall be substituted, namely :

" 20. The Resident at Hyderabad Power to make rules for other local areas. may, subject to the control of the Governor-General in Council, by notification in the Hyderabad Residency Orders, make rules for the proper enforcement of the Act in any local area (beyond the limits of a municipality) to which it extends."

**XI.—The Vaccination Act,
1880 (XIII of 1880).**

XII.—The Probate and Administration Act, 1881 (V of 1881).

(1) The definition of "province" in section 3, the provisos to section 52 and sections 60, 65, 99, 154 and 155 shall be omitted.

(2) In section 3, for the definition of "minor" the following shall be substituted:

"Minor" means any person who has not completed his age of eighteen years.

(3) In section 85, the words and figures "except in cases to which the Hindu Wills Act, 1870, applies," and, in section 152, the words and figures "or Bombay Regulation No. VIII of 1827" shall be omitted.

(4) In section 2, for the second proviso the following shall be substituted:

"Provided, also, that no Court shall receive any application for probate or letters of administration until the Resident at Hyderabad has, by notification in the Hyderabad Residency Orders, authorized it so to do."

(5) In sections 5, 29, 30 and 41, for the word "province"; in section 26, for the words "province in which application for probate is made"; in section 23, for the words "province in which application is made"; in section 39, for the words "province within which the Court that has granted the probate or letters of administration is situate"; in section 59, for the words "province in which the same is or are granted"; and in section 82, for the words "province in which the same may have been granted"; the words "areas in the Hyderabad State in which the Governor-General in Council exercises jurisdiction through the Resident at Hyderabad" shall be substituted.

(6) In section 39, for the words "such Court" the words "the Court which has granted the probate or letters of administration" shall be substituted.

(7) In section 69, for the words "of the Collector of the district" the words "of the Cantonment Magistrate of Secunderabad, in the Cantonment of Secunderabad, of the Superintendent of the Residency Bazars, in the Hyderabad Residency Bazars, and the railway lands in the territories of His Highness the Nizam of Hyderabad, (other than the railway lands in Berar and those referred to in the notifications of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November 1891, and No. 3244-I.B., dated the 26th August 1897) and of the Cantonment Magistrate of Aurangabad, in the Cantonment of Aurangabad," shall be substituted.

XIII.—The Negotiable Instruments Act, 1881 (XXVI of 1881).

XIV.—The Indian Telegraph Act, 1885 (XIII of 1885).

In section 5, sub-section (2), for the words "to the Local Government" the words "the First Assistant Resident" shall be substituted.

XV.—The Suits Valuation Act, 1887 (VII of 1887).

XVI.—The Wild Birds Protection Act, 1887 (XX of 1887).

XVII.—The Succession Certificates Act, 1889 (VII of 1889).

For section 17 the following shall be substituted:

"17. Where a certificate in the form of the second schedule to this Act has been granted under the Succession Certificates Act, 1889, by a Court having jurisdiction in British India or in Berar, or where a certificate in the form, as nearly as circumstances admit, of the said schedule has been granted to a resident within a Foreign State by the British representative accredited to the State, or where a certificate so granted has been extended in such form by such Court or by such representative, the certificate shall have the same effect in the areas in the Hyderabad State in which the Governor-General in Council exercises jurisdiction through the Resident at Hyderabad, as a certificate granted or extended under this Act."

XVIII.—The Guardian and Wards Act, 1890 (VIII of 1890).

XIX.—Prevention of Cruelty to Animals Act, 1890 (XI of 1890).

XX.—The Bankers' Books Evidence Act, 1891 (XVIII of 1891).

(1) Clause (6) of section 2 shall be omitted.

(2) The words "or Judge" or "or a Judge," wherever they occur, shall be omitted.

XXI.—The Land Acquisition Act, 1894 (I of 1894).

XXII.—The Reformatory Schools Act, 1897 (VIII of 1897).

In section 15, sub-section (1), for the words "one province" and "any other province," respectively, the words "British India" and "the areas in the Hyderabad State in which the Governor-General in Council exercises jurisdiction through the Resident at Hyderabad", shall be substituted.

XXIII.—The Provident Funds Act, 1897 (IX of 1897).

(1) In section 2, sub-section (3) after the words "Government of India" the words "or the Government of His Highness the Nizam of Hyderabad" shall be inserted.

(2) In respect of the railway lands in the territories of His Highness the Nizam of Hyderabad (other than the railway lands in Berar and those referred to in the notifications of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November 1891, and No. 3244-I. B., dated the 26th August 1897) :—

(a) Sub-section (2) of section 2, shall be omitted ;

(b) In section 3, sub-section (1), and also in section 4, the words "Government or" shall be omitted, and.

(c) Section 6 shall be omitted.

XXIV.—The General Clauses Act, 1897 (X of 1897).

XXV.—The Indian Short Titles Act, 1897 (XIV of 1897).

XXVI.—The Lepers Act, 1898 (III of 1898).

(1) For the words "a leper asylum" or "an asylum," wherever they occur, the words "the leper asylum" shall be substituted.

(2) Sections 5, 13, 14, and 19, and Form E shall be omitted.

(3) Sub-sections (3), (4), and (5) of section 2, shall be omitted.

(4) In section 3, for the words "any place" the words "a part of the leper asylum at Chandkhuri in the Drug District of the Central Provinces, maintained by the Mission to lepers in India and the East" shall be substituted.

(5) In section 4, the words from "and any person" to "leper asylum" and the

XXVI.—The Lepers Act, 1898
(III of 1898)—*contd.*

words "or Superintendent" shall be omitted.

(6) In section 8, sub-section (1), and section 10, sub-section (3), the words "any Presidency Magistrate or" shall be omitted.

(7) In section 8, sub-section (1), section 10, sub-section (2), and in Forms C and D, for the words "by order of the Board or the District Magistrate" the words "in accordance with the law for the time being in force, regarding the asylum at Chandkhuri, or by order of the District Magistrate" shall be substituted.

(8) In section 16, the brackets and letter "(a)" and so much as follows the words "under this Act" shall be omitted.

(9) In section 17, the brackets, letter, and words "(a) establish or maintain, or establish and maintain or" and so much as follows the words "maintenance of a leper asylum" shall be omitted.

XXVII.—The Code of Criminal
Procedure, 1898 (V of 1898).

(1) Notwithstanding anything in section 14, sub-section (4), of the Code as now applied, the Governor-General in Council may confer on any Police-officer, in respect of the railway lands in the territories of His Highness the Nizam of Hyderabad (other than the railway lands in Berar and those referred to in the notifications of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November 1891, and No. 3244-I.B., dated the 26th August 1897), all or any of the powers conferred or conferable by, or under the said Code in regard to particular cases, or to a particular class or particular classes of cases, or to cases generally.

(2) Trials before the Court of Session may, in the discretion of the Sessions Judge, be without jury or aid of assessors.

(3) Nothing in the Code as now applied shall be deemed to apply to proceedings against European British subjects or persons charged jointly with European British subjects.

XXVIII.—The Indian Post Office
Act, 1898 (VI of 1898).

XXIX.—The Indian Stamp Act, 1899 (II of 1899).

(1) References to the Collector shall be read as referring to the Cantonment Magistrates in the Cantonments of Secunderabad and Aurangabad, and to the Superintendent of the Residency Bazars in the Hyderabad Residency Bazars and the railway lands in the territories of His Highness the Nizam of Hyderabad (other than the railway lands in Berar and those referred to in the notifications of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November 1891, and No. 3244-I. B., dated the 26th August 1897).

(2) In section 57, clause (d), after the words "Central Provinces" the words "the areas in the Hyderabad State in which the Governor-General in Council exercises jurisdiction through the Resident at Hyderabad," shall be added.

1. Sub-section (3) of section 1, shall be omitted.

2. References to the province shall be read as referring to the areas to which this law extends.

3. For section 24 the following shall be substituted :—

" 24 (1). All rules published under this Previous publication of rules. Act shall be previously published—

(a) if made by the Governor-General in Council in the *Gazette of India* and in three consecutive issues of the *Hyderabad Residency Orders* ;

(b) if made by the Resident at Hyderabad in three consecutive issues of the *Hyderabad Residency Orders*.

(2) Every such publication in the *Hyderabad Residency Orders* shall be in English and in such other language or languages as the Resident at Hyderabad may direct.

(3) All rules made by the Governor-General in Council or by the Resident at Hyderabad under this Act shall be published in the *Gazette of India* or the *Hyderabad Residency Orders* as the case may be, and on such publication, shall have effect as if enacted by this Act.

XXX.—The Indian Petroleum Act, 1899 (VIII of 1899).

XXXI.—The Prisoners Act, 1900
(III of 1900).

1. In section 1, sub-section (2), the words "inclusive of British Baluchistan, the Santhal Parganas and the Pargana of Spiti" shall be omitted.

2. Parts III and VIII of the Act shall be omitted.

3. In the heading to Part IV and in section 15, sub-section (1), the words "outside the Presidency towns" shall be omitted.

4. In section 15, sub-section (1), clause (b), sub-clause (ii), the words "or in any province of British India" shall be omitted.

5. In section 29, sub-section (1), the word "other" shall be omitted.

6. In sections 29 and 30, for the word "Province," wherever it occurs, the words "areas to which this Act applies" shall be substituted.

7. In section 36, sub-section (1), the words "outside a Presidency town," in section 39, sub-section (1), the words "in a prison within a Presidency town or," and in section 39, sub-section (2), the words "or in the case of a person confined in a prison within a Presidency town to the Commissioner of Police" and the words "or Commissioner" shall be omitted.

8. Section 49 shall be omitted.

9. The Third Schedule shall be omitted.

XXXII.—The Poisons Act, 1904
(I of 1904).

(1) In section 9, sub-section (3), for the words "local official gazette" the words "Hyderabad Residency Orders" shall be substituted.

(2) Section 11 shall be omitted.

XXXIII.—The Provincial Insol-
vency Act, 1907 (III of 1907).

(1) The proviso to section 3 (1) shall be omitted.

(2) In section 3 (2) for the words "District Court" the words "Court of the First Assistant Resident" shall be substituted.

(3) For section 46, the following shall be substituted:—

"46 (1) Any person aggrieved by an order made in the exercise of insolvency jurisdiction by a Court other than the District Court may appeal to the Court of the First Assistant Resident and the order of the Court of the First Assistant Resident upon such appeal shall be final:

Provided that the High Court, for the purpose of satisfying itself that an order made in any appeal decided by the Court of the First Assistant Resident was

XXXIII.—The Provincial Insolvency Act, 1907 (III of 1907).—
contd.

according to law, may call for the case and pass such order with respect thereto as it thinks fit.

- (2) Any person aggrieved by an order made by the District Court under sections 15, 16, 24, 26, 36, 37, 42, 43, sub-section (2) or 44 may appeal to the High Court.
- (3) Any person aggrieved by any other order made by a District Court may appeal to the High Court by leave of the District Court or of the High Court.
- (4) The periods of limitation for appeals to the Court of the First Assistant Resident and to the High Court under this section shall be thirty days and ninety days respectively."
- (4) In section 47 (2) for the words "High Courts and District Courts" the words "the High Court and the Court of the First Assistant Resident" shall be substituted.
- (5) Sections 51 and 52 shall be omitted.

XXXIV.—The Code of Civil Procedure, 1908 (V of 1908).

- (1) For section 3, the following shall be substituted :—

" 3. For the purposes of this Code, ^{the Court of} ~~Subordination of Courts.~~ the First Assistant Resident is subordinate to the High Court, and every Civil Court of a grade inferior to that of the First Assistant Resident, and every Court of Small Causes is subordinate to the High Court and to the Court of the First Assistant Resident."

- (2) In section 7 for the words "Provincial Small Cause Courts Act, 1887," and "under that Act" the words "Hyderabad Residency Small Cause Courts Law, 1904," and "under that Law," respectively, shall be substituted.
- (3) In section 9 at the end of the section the words "and any suit instituted against a subject of His Highness the Nizam of which cognizance is barred by an order in writing signed by the Resident," shall be added.
- (4) In section 24 for the words "District Court" the words "Court of the First Assistant Resident," shall be substituted.

**XXXIV.—The Code of Civil Procedure, 1908 (V of 1908)—
contd.**

- (5) In paragraph 2 of section 29, after the word "summonses," the words "are in British India or" shall be added.
- (6) In section 43, after the words "any court" in line 4, the words "in British India or" shall be added.
- (7) In section 45, after the words "any court" in line 5, the words "in British India or" shall be added.
- (8) In section 78, clause (a) after the word "Courts" the words "situate in British India or" shall be added.
- (9) For section 115, the following shall be substituted :—
"115. When any decree or order is passed by any Subordinate Court and no appeal other than an appeal under section 100 lies, the Resident at Hyderabad may call for the record of the case and make such order thereon as he thinks fit."
- (10) To Order IX, rule 6, the following shall be added :—
"In any case falling under clause (a), the Court may instead of proceeding *ex-parte* issue a warrant for the arrest of the defendant and for his detention until such date as may be appointed for the hearing of the case, and may also direct the attachment of his property."
- (11) In Order XLVI, rule 7, for the words "a District Court" and "the District Court" wherever they occur, the words "the Court of the First Assistant Resident" shall be substituted.
- (12) In Order L in the heading the word "Provincial" shall be omitted, and in rule 1 of the same Order for the words "Provincial Small Cause Courts Act, 1887," and "under that Act," the words "Hyderabad Residency Small Cause Courts Law, 1904," and "under that Law," respectively, shall be substituted.

XXXV.—The Explosive Substances Act, 1908 (VI of 1908.)

XXXVI.—The Indian Limitation Act, 1908 (IX of 1908.)

- (1) For section 13 the following shall be substituted :—
"13. In computing the period of
Exclusion of time of
defendant's absence
from British India
and certain other
territories. limitation pre-
scribed for any
suit the time
during which the

defendant has been absent from British India, the territories beyond British India under the administration of the Government, and His Highness the Nizam's Dominions, shall be excluded.

"Provided that a suit, for which, if this Act had not been passed, the plaintiff, in computing the period of limitation, would have been entitled to exclude on account of the defendant's absence any period which is not allowed to be excluded under this Act, may be instituted within the period of two years from the commencement of this Act, or the period which would have been allowed for the institution of such suit, had this Act not been passed, whichever period expires first."

(2) In Article 152 of the second division of the first schedule, for the words "a District Judge" the words "the First Assistant Resident" shall be substituted.

(3) For Article 161 of the third division of the first schedule the following shall be substituted:—

"161. For a review of judgment by the Court of Small Causes or a Court invested with the jurisdiction of a Court of Small Causes when exercising that jurisdiction.	Ditto...	The date of the decree or order."
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(4) To the second schedule the words "the areas in the Hyderabad State in which the Governor General in Council exercises jurisdiction through the Resident at Hyderabad," shall be added.

(1) In section 33, sub-section (1) for clauses (a), (b) and (c) the following shall be substituted:—

"(a) if the principal at the time of executing the power of attorney resides in the areas in the Hyderabad State in which the Governor General in Council exercises jurisdiction through the Resident at Hyderabad, a power of attorney

XXXVI.—The Indian Limitation Act, 1908 (IX of 1908.)—
contd.

XXXVII.—The Indian Registration Act, 1908 (XVI of 1908.)

XXXVII.—The Indian Registration Act, 1908 (XVI of 1908.)—*contd.*

executed before, and authenticated by, the Registrar or Sub-Registrar within whose district or sub-district the principal resides;

“(b) if the principal, at the time aforesaid resides in any part of Berar or of British India to which the Indian Registration Act, 1908, has been applied or in which that act is for the time being in force, a power of attorney executed before, and authenticated by, the Registrar or Sub-Registrar within whose district or sub-district, as defined in the said Act, the principal resides;

“(c) if the principal, at the time aforesaid, does not reside in any of the areas mentioned in clauses (a) and (b), a power of attorney executed before, and authenticated by, a Notary Public or any Court, Judge, Magistrate, British Consul or Vice-Consul or representative of His Majesty or of the Government of India.”

(2) In the proviso to the same sub-section for the words, brackets and letters “clauses (a) and (b)” the word, brackets and letter “clause (a)” shall be substituted.

XXXVIII.—The Whipping Act, 1909 (IV of 1909).

No. 1825-I.B.—In exercise of the power conferred by section 138 of the Negotiable Instruments Act, 1881, (XXVI of 1881), as applied to the areas in the Hyderabad State in which the Governor General in Council exercises jurisdiction through the Resident at Hyderabad, by the notification of the Government of India in the Foreign Department, No. 1824-I.B., dated the 17th September, 1909, the Governor General in Council is pleased to appoint, in virtue of their respective offices, the Officers mentioned below to be Notaries Public under the Act and to exercise their functions respectively, within the areas specified against their names:

Officer.	Area.
The Superintendent of the Hyderabad Residency Bazars	The Residency Bazars at Hyderabad.
The Cantonment Magistrate of Secunderabad	The Cantonment of Secunderabad.

No. 1826-I.B.—In exercise of the power conferred by section 139 of the Negotiable Instruments Act, 1881, (XXVI of 1881), as applied to the areas in the Hyderabad State in which the Governor General in Council exercises jurisdiction through the Resident at Hyderabad, by the notification of the Government of India in the Foreign Department, No. 1824-I.B., dated the 17th September 1909, the Governor General in Council is pleased to direct that the rules published in the notification of the Government of India in the Home Department, No. 1433, dated the 30th September 1886, shall apply to the aforesaid areas in so far as they may be applicable.

Provided that references to the Local Government shall be read as referring to the Resident at Hyderabad, references to British India or to a Presidency or Province thereof, as referring to the aforesaid areas, and references to the District Judge as referring to the First Assistant Resident.

S. H. BUTLER,

Secretary to the Government of India.

DEPARTMENT OF COMMERCE AND INDUSTRY.

NOTIFICATIONS.

CUSTOMS ESTABLISHMENT.

Simla, the 14th September, 1909.

No. 6920—3.—Mr. P. R. Cadell, I.C.S., a Collector in Class II of the Imperial Customs Service, is granted privilege leave for two months and eleven days combined with furlough for six months and nineteen days, with effect from the 20th September 1909 or the subsequent date on which he may avail himself of the leave.

No. 6921—3.—Mr. H. F. Howard, I.C.S., an Assistant Collector in Class I of the Imperial Customs Service, is appointed to officiate as a Collector in Class II, during the absence on leave of Mr. P. R. Cadell, or until further orders.

TELEGRAPHS.

The 16th September, 1909.

No. 6975—137.—In exercise of the powers conferred by section 7 of the Indian Telegraph Act, 1885 (XIII of 1885), and in supersession of all existing notifications under that Act, Governor-General in Council is pleased to order the following rules and orders to have effect from the 1st October 1909.

SECTION I.

GENERAL.

1. **Telegraph Offices in India** are distinguished as follows:—

(a) **Government Telegraph Offices.**—These include the Telegraph Departmental Offices and Postal Combined Offices.

(b) **Licensed Telegraph Offices.**—These include Canal Offices, State Railway Offices, and Railway Offices not the property of the State, all of which are licensed for working under Section 4 of the Indian Telegraph Act, 1885 (XIII of 1885).

2. **Business Hours.**—Subject to the provisions of Rules 3, 63, and 130, telegrams are accepted at all Government Telegraph Offices during the hours noted against them in the List of Offices published in the *Telegraph Guide*.

II. **Railway Telegraph Offices** accept telegrams during the hours for which they are open for Railway business, but always subject to the necessities of Railway Traffic. These hours are notified in the *Telegraph Guide*.

III. **Canal Offices** are open according to the hours notified in the *Telegraph Guide*.

3. An *Express* telegram will be accepted during the hours when an office is closed, if the terminal office is open or its attention can be gained, on the payment of an extra fee. If both the offices of origin and destination are closed the extra fee shall be two rupees, but if only one of them is closed, one rupee. The fees will be paid to the telegraphists in the closed offices.

When several telegrams are handed in together by the same person at an office which is closed, a single fee only will be payable in respect to that office.

If a telegraphist is called up to send a telegram and it subsequently appears that it cannot be despatched, the person desiring to send it must nevertheless pay the fee of one rupee.

4. **Telegram forms**, unbound and in reasonable numbers, are supplied free at all Telegraph and Post Offices. (See also notes to Rules 9 and 151.)

5. **Translation of telegrams.**—At Telegraph Offices in places other than the Presidency towns and Rangoon, every assistance possible is to be afforded to natives in the translation of their telegrams into *English*, and of telegrams in *English* addressed to them into the vernacular.

6. **Complaints.**—All complaints should be addressed to the Superintendent, Check Office, Indian Telegraph Department, Calcutta.

SECTION II.

RULES FOR INLAND TELEGRAMS.

GENERAL.

7. **Inland telegrams** are those which are sent to, or received from, places within Indian limits. Such telegrams are subject to the regulations laid down from time to time by the Government of India.

8. **The accuracy of telegrams is not guaranteed**, and the Sender and Receiver must accept all risks arising from non-delivery, errors, or delays.

9. **Legibility and Forms.**—To secure accuracy and rapidity of transmission, Senders of telegrams are advised to write them in a clear and unmistakable hand and on the proper forms, which can be obtained free of charge at all Telegraph and Post Offices (Rule 4). Telegrams written on plain paper are, however, accepted at all Offices.

Note.—Books containing 100 forms for Inland telegrams can be purchased at the principal Government Telegraph Offices; price with counterfoils two annas, and without counterfoils one anna each.

10. **Offices where Inland Telegrams are accepted.**—Inland telegrams are accepted at all Telegraph Offices and Post Offices in India, except at some Branch Post Offices. They are also accepted under certain conditions at Military Field Telegraph Offices.

11. **Postal Combined Offices** are Postal Telegraph Offices in telegraph connection with other Telegraph Offices.

12. **Postal Receiving Offices** are Post Offices which are not in telegraph connection with Telegraph Offices, but which receive Inland telegrams and despatch them by post to a Telegraph Office. Such telegrams are sent Registered and postage-free by first post.

13. **Inland telegrams may be also posted by the Sender to the nearest Telegraph Office**, together with postage stamps sufficient for their payment, and in this case a receipt for the amount will be returned post-free to the Sender. In the case of a telegram sent by post to a Telegraph Office, under the preceding or this rule, with stamps of insufficient value, the deficiency will be recovered from the Addressee (Rule 72).

14. **Licensed Offices.**—All paid telegrams, except Press (Rule 135), can be sent from any Government Telegraph Office to any Licensed Telegraph Office which is open for paid traffic (Section VI of the *Telegraph Guide*), or *vice versa*, without additional charge.

15. **Objectionable telegrams.**—Telegraph Offices are required to refuse to accept any telegram which may be of a decidedly objectionable or alarming character. Should the character of a telegram be open to doubt, the matter shall be referred to a Secretary to Government if the telegram be tendered at a seat of Government, or to the chief Civil or Military Officer if tendered at another place.

16. **General Division.**—Inland telegrams are divided into four classes :—

(a) State (or Government) telegrams (Rules 36 to 42).

(b) Service telegrams (Rules 43 to 46).

(c) Private telegrams.

(d) Press telegrams (Rules 129 to 136).

All these telegrams are transmitted according to their classification, *Express* or *Ordinary* (see Rules 61, 62 and 129) and in the order in which tendered.

MODE OF WRITING, etc.

17. **Characters**—Inland telegrams must be legibly written in characters which have their equivalents in telegraphic signals. These characters or signals are the following :—

(a) Letters.

A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z.

The combination "ch" counts as one character of the Morse Alphabet, except in Code and Letter cipher (Rules 17 (d) and 37) when it counts as two.

(b) Figures.

1, 2, 3, 4, 5, 6, 7, 8, 9, 0.

There are no telegraphic signals for Roman numerals, such as I, II, etc.

(c) Stops and other signs.

Full-stop (.), Comma (,), Semicolon (;), Colon (:), Note of interrogation (?), Note of exclamation (!), Apostrophe ('), Hyphen or dash (-), Brackets or sign of a parenthesis (), Inverted commas (" "), Bars of division (/) or (—), Underline.

(d) Special Instructions and Conventional signs.

(See Rules 21 to 23).

Abbreviated Form.	English meaning.
BPD	Boat paid (Rule 84).
BPDN	Boat paid double (Rule 84).
Reply paid	Reply paid—rupees or annas (Rule 93).
TC	Collation or repetition (Rule 103).
PC	Telegrams with Telegraphic Acknowledgment of Receipt (Rule 106).
Express	Express (Rules 115 and 116).
XP	Express paid (Rule 117).
XP Rs—	Express paid—rupees or annas (Rule 117).
Post	Post (Rules 116, 119 and 120).
PR	Post Registered (Rule 120).
Open	To be delivered open (Rule 81).
MP	To be delivered into the hands of the Addressee himself (Rule 80).
MTF	More to follow [Rule 131 (8)].
TR	To be kept at Telegraph Office till called for (Rule 82).
GP	To be kept at Post Office till called for (Rule 82).
CTA	Communicate all addresses.

18. Language, etc.—The text of Private telegrams may be in plain language, in Code language, or in Figure Cipher, or partly in one and partly in the other. Letter Cipher is not admitted in Private telegrams.

(a) **Plain language** is that which offers an intelligible sense in English, or in any foreign language, or in any of the Vernacular languages subject to the conditions of Rule 17.

(b) By "**Telegrams in Plain language**" is understood those of which the text is written entirely in Plain language. Nevertheless, the presence of Code addresses, Exchange quotations, commercial marks, letters representing the signals of the International Code of Signals employed in maritime telegrams, of abbreviated expressions currently used in ordinary or commercial correspondence such as *resp.*, *job*, *ch*, *cif*, *caf*, *exp.*, *c/o*, *b/l*, *mo.*, *vpp.*, *am.*, *pm.*, *%*, or any other analogous expressions, the meaning of which is understood at the office of origin, does not alter the character of a telegram in Plain language.

(c) **Code language** is that which is composed of words which do not form intelligible phrases in one or more of the languages authorised for telegraphic correspondence in Plain language. The words, whether genuine or artificial must be formed of syllables capable of pronunciation according to the current usage of one of the following languages: *English*, *French*, *German*, *Italian*, *Dutch*, *Spanish*, *Portuguese*, or *Latin*. Artificial words must not contain the accented letters ä, á, a^o, é, ñ, ö, ü. Genuine vernacular words are also admissible.

(d) Words in Code language must not contain more than ten characters according to the Morse alphabet (Rule 17) the combinations *ae*, *aa*, *ao*, *oe*, *ue* being counted as two letters each. The combination "*ch*" is also counted as two letters in artificial words.

(e) Combinations which do not fulfil the conditions of clauses (c) and (d) are not admitted, neither are compounds composed of two or more words in plain language contrary to the usage of the language. (See also Rule 51, *et seq.*)

(f) **Figure Cipher language** is that which is composed either of Arabic figures or of groups or series of Arabic figures having a secret meaning.

(g) If in telegrams in which the text is written entirely in plain language, any single word or authorised compound contains more than 15 characters according to the Morse alphabet, the excess is counted separately as one word.

(h) Words in plain language inserted in the text of a mixed telegram, i.e., a telegram composed of words in Plain language and words in Code language, must not contain more than ten characters according to the Morse alphabet, and any excess is counted separately as one word in each case.

(i) If the mixed telegram contains, in addition, Cipher language, the passages in Cipher are counted according to the stipulations of Rule 55.

(j) If the mixed telegram is composed only of passages in Plain language and of passages in Cipher language, the passages in Plain language are counted according to the stipulations of clause (g), and the passages in Cipher language according to those of Rule 55.

(k) The Address or Sender's name in telegrams of which the text is written wholly or partly in Code language is charged according to the stipulations of Rule 53 and clause (g).

(l) Registered Abbreviated Addresses are treated as Plain language [clause (g)] when occurring in the Address or as the Sender's name in both Plain and Code language telegrams and also in the text of Plain language telegrams. When in the text of a Code language telegram, they are treated according to clause (h).

19. Erasures, etc.—Every interlineation or insertion, reference, erasure, or re-written word must be authenticated by the Sender or by his representative.

20. Parts of a telegram.—The different parts forming an Inland telegram should be written in the following order:—

(a) The Address (Rules 24—32).

(b) The Text.

(c) The Sender's Name (Rule 33).

21. Special Instructions.—The Sender should write upon the form, in the space provided, his instructions regarding prepayment of reply, if any. Other instructions regarding delivery at destination, acknowledgment of receipt, collation (or repetition), open delivery, or delivery only to the Addressee himself, etc., may be written in any blank space at the end of the text of the telegram (but see Rules 116, 119, and 120).

22. In the case of a Multiple telegram, the Special Instructions which concern each Addressee should be written immediately before his name; but in the case of a Collated Multiple telegram, it is sufficient if the Special Instruction for Collation precedes the first Address.

23. Special Instructions may be written in the abbreviated forms given in Rule 17 (d). In this case the counter clerk should place each of them between double dashes, thus = T. C. =. The Special Instructions are not charged for.

24. Address.—The name of the office of destination (or the office to which the telegram is to be transmitted) is counted as one word, irrespective of the actual number of words and initials which it may contain [Rule 53 (a)]. For instance, "Maha Hatina B. G. J. P." will count as one word. Care should be taken that the office to which the telegram is to be transmitted is written as given in the list of Telegraph offices published in the Telegraph Guide, but the letters, names of districts and provinces, printed in italics after the names of offices, need not be given.

25. The Address must contain all the particulars necessary to ensure the delivery of the telegram without search or enquiry.

26. For large towns the name of the street and the number of the house must be given, or in the absence of these particulars, the profession of the Addressee or any other relevant information.

27. Even for small towns the name of the Addressee must, if possible, be accompanied by additional particulars to guide the office of destination in effecting delivery.

28. When a telegram is addressed to one person care of another, the Address must contain immediately after the name of the real addressee the words "care of," "C/o." or any other equivalent.

29. Insufficient Address.—Telegrams the Addresses of which do not satisfy the conditions laid down in the preceding rules are nevertheless accepted and transmitted at the Sender's risk.

30. In all cases the Sender has to bear the consequence of an insufficient Address which, after the telegram has been despatched, can neither be completed nor altered, except by a paid Service Advice (Rule 44).

31. Abbreviated Addresses.—The Addressee's name and Address may be written in an abbreviated form. But the right of an Addressee to have a telegram thus addressed delivered to him, is subject to an arrangement made between such Addressee and the Telegraph Office which has to deliver the telegram.

32. Abbreviated Addresses may be registered under the following conditions :—

(1) Application for the registration of such addresses should be made to the officer in charge of the Telegraph Office at which it is proposed to register an address. The Telegraph Department cannot arrange for the registration of an address at any place in a foreign country.

(2) No address may consist of more than one word in addition to the name of the town where registration is effected.

(3) The word should contain not more than ten letters, and should be easy to read and easy to telegraph. Proper names can only in rare cases be accepted, and in no case can a proper name be registered for a person of a different name.

(4) The names of professions, trades, countries, states, towns, telegraph stations, well-known streets and registered newspapers may not be used as registered addresses.

(5) Numbers may not be registered.

(6) To prevent inconvenience to the public the Telegraph Department has to reject words which, either in writing or in telegraph symbols, so closely resemble other registered words as to be liable to be mistaken for them. It is desirable, therefore, that any application should not merely offer one word for acceptance, but should give several words from which a selection may be made.

(7) No address may be registered in one town for the delivery of telegrams in another town.

(8) A registered address is available for telegrams from other countries, as well as for Inland telegrams.

(9) The Telegraph Department reserves to itself the right to cancel an address. In such a case a part of the registration fee, proportionate to the unexpired period, is returned, or a new address may be substituted free of charge for the one cancelled.

(10) In the event of a change in the title of a firm for which an address is recorded, the consent, in writing, of all the partners of the firm must be produced before the records can be altered.

(11) The fee for the registration of an abbreviated address is Rs. 10 per annum, or Rs. 5 half-yearly, payable in advance. The fee for registration should be paid to the officer in charge of the Telegraph Office at which registration is effected.

(12) An additional fee of five rupees is charged for every change of the word selected, or for every transfer to another Telegraph Office, if made during the year or half year as the case may be, but not for change of residence within the delivery limits of the registering office, or

for change of name or title of firm or person, so long as the identity is the same (see Condition 10,) and it is not a case of transfer from one firm to another; if it is a case of transfer, the full fees are charged.

(13) The Telegraph Department accepts no responsibility in respect of the delivery of any telegram having an Abbreviated Address if such address has not been registered, or for delay in delivering such telegram. Registration is essential in all cases of persons who frequently receive telegrams addressed to them by an abbreviated name, and Telegraph Officials can decline to deliver such telegrams if, after notice has been given, the address has not been registered.

33. Sender's name or designation.—The Sender's name or designation may be in an abbreviated form in customary use, or may be replaced by a registered address, or may be omitted altogether.

34. Text.—No Private telegram, or series of telegrams, containing more than five hundred words, can be sent at any one time by any individual or firm, and no subsequent telegram by the same individual or firm till after the lapse of three hours, unless the telegraph lines be free of all other traffic. Regarding the length of Press telegrams, see Rule 131 (8).

35. Signature.—The true Signature and Address of the Sender (which are not charged for or transmitted) must always be written at the foot of the telegram. The Sender of a Private telegram can always be called upon to prove that the signature attached to it is genuine. In the case of telegrams from a mercantile firm, if the name of the firm is written, it will be accepted, but if stamped, it must be attested by the signature, or initials, of a responsible member of the firm.

STATE TELEGRAMS.

36. Definition.—A State telegram is a telegram sent by an official of the British Government on British Government business.

Municipal Commissioners and the officials and servants of a Municipality or of a Guaranteed or Private Railway are not entitled to send State telegrams, nor are the officials and servants of Native States.

37. Language.—The text of State telegrams may in all cases be composed of Secret language (*i.e.*, Code and Cipher). Cipher language may be formed either of groups or series of figures, or of groups or series of letters, having a secret meaning; but a combination in the same telegram of figures and of letters, having a secret meaning, is not admitted.

38. Collation.—State telegrams, when they are written in Figure or Letter cipher, are always repeated in their entirety (Rule 105) by the Receiving Office in the same manner as is done with "collated" telegrams (Rule 102). When partially written in cipher, the cipher portions only are repeated.

39. Payment, etc.—State telegrams must be marked *State* by the Sender, and, as a rule, paid for in Service stamps or in cash prior to despatch. The charges are the same for State as for Private telegrams. The rule regarding prepayment (Rule 64) will be relaxed in case of great emergency; but whenever an *Express* State telegram is tendered for transmission under this permission, the Sender must take the necessary steps to ascertain the charges on it, and pay them into the Telegraph Office within 24 hours. The rule cannot be relaxed in case of *Ordinary* State telegrams.

40. At Railway Offices.—State telegrams are not accepted at Railway Offices at places where there is also a Government Office, except in cases of emergency, or when the Sender's Office, or residence, is much closer to a Railway Office than to a Government Office. At Railway Offices State telegrams should be paid for in cash.

41. Abbreviated Addresses.—The conditions for the registration of abbreviated addresses laid down in Rule 82 do not apply to the abbreviated addresses of Government officials. These are registered free of charge, and without any restriction as to the number of words used. Applications for the registration of abbreviated addresses of Government officials should be made to the Director-General of Telegraphs.

42. Clear-the-Line Telegrams.—On emergent occasions of great importance, the Officers named below may "clear the line" within Indian limits, *i.e.*, may suspend the receipt and despatch of all telegrams until the one for which the line is cleared is passed on:—

Such clear-the-line telegrams shall be accepted only if signed by one of the said officers;

The power to clear the line shall not be delegated and "clear-the line" telegrams signed "by order" shall not be accepted;

Any of the said officers may, in sending a clear-the-line telegram, authorise a "clear-the-line" reply, but no "clear-the-line" reply shall be accepted in the absence of such authority; clear-the-line telegrams shall be paid for as State (*Express*) telegrams. The words "*clear line*" should be written before the address.

Officers authorised to clear the line :

- (1) Military Secretary to the Viceroy, by special order of the Viceroy.
 - (2) Private Secretary to the Viceroy, by special order of the Viceroy.
 - (3) Private Secretary to the Governor of Madras, by special order of the Governor.
 - (4) Private Secretary to the Governor of Bombay, by special order of the Governor.
 - (5) (a) Military Secretary to the Commander-in-Chief, by special order of the Commander-in-Chief.
 - (b) The Chief of the Staff, Army Head-Quarters.
 - (c) The Senior Staff Officer at Head-Quarters in the absence of the Commander-in-Chief from the Head-Quarter Station.
 - (6) The General Officers Commanding the Northern and Southern Armies.
 - (7) Private Secretaries to the Lieutenant-Governors, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and Burma, by special order of such Lieutenant-Governors.
 - (8) Ordinary Members of the Governor-General's Council.
 - (9) Secretaries to the Government of India.
- NOTE.—Also the Deputy Secretary to the Government of India in the Foreign Department in the absence of the Foreign Secretary on tour with the Viceroy.
- (10) Chief Secretaries to the Governments of Madras, Bombay, Bengal, Eastern Bengal and Assam, the United Provinces, the Punjab and Burma.
 - (11) Chief Commissioners of the Central Provinces and the North-West Frontier Province.
 - (12) Secretary to the Agent to the Governor-General and Chief Commissioner, North West Frontier Province.
 - (13) Agents to the Governor-General in Rajputana, Central India and Baluchistan.
 - (14) The General Officers Commanding the Peshawar, Rawalpindi, Lahore, Quetta, Mhow, Poona, Meerut, Lucknow, Secunderabad and Burma Divisions, and the Kohat, Derajat, Bannu and Aden Brigades.
- NOTE.—The power of clearing the line is limited in the case of these Officials to messages addressed to the Army Department, to Army Head-Quarters and to the General Officers Commanding the Northern and Southern Armies.
- (15) Officer Commanding a Force in the Field.
 - (16) Director-General of Telegraphs.
 - (17) Maharaja of Patiala (from Patiala Office only).
 - (18) Residents in Hyderabad and Mysore.
 - (19) Comptroller and Auditor General.

SERVICE TELEGRAMS.

43. Service telegrams are divided into Service telegrams properly so called, and Service Advices. The former classification includes—

- (a) those on the service of the Government Telegraph and Postal Departments, which are sent free to and from any Telegraph Office;
- (b) those sent free on the service of certain foreign Governments regarding which the Government of India prescribes special instructions in each case.

Paid Service Advices are Service telegrams exchanged between Telegraph Offices under Rules 44 and 45.

PAID SERVICE ADVICES.

44. The Sender and Addressee (or the authorised representative of either of them) of any telegram already transmitted, or in course of transmission, may during the period of preservation of records (Rule 137), and after they have proved, if necessary, their right and identity, cause enquiry to be made, or instructions to be given respecting it by telegraph. They may also, in order to make or obtain corrections, cause a telegram, which they have sent or received, to be repeated, entirely or in part, by the Office of destination, or by the Office of origin, or by a transit office. In all such cases, they have to deposit the following amounts:—

- (a) The cost of the telegram making the request, which may be classed *Express* or *Ordinary* at the Sender's option.
- (b) The cost of a telegram for the reply, if a reply by telegraph is necessary, which may also be classed as in (a) above.

Those which are sent at the request of the Addressee in order to obtain the repetition of a passage suspected to be erroneous imply always a telegraphic reply which will be of the same class as the telegram making the request, and the insertion of the indication = *Reply paid* = is not necessary. In other cases in which a telegraphic reply is requested, this indication must be employed.

45. Rectifying, completing, or cancelling telegrams, and all other communications relating to a telegram already transmitted or in course of transmission, when they are addressed to a Telegraph Office, must be exchanged exclusively between the Offices under the form of paid Service Advices, at the cost of the Sender or the Addressee making the demand.

46. The charges for Service Advices necessitated through errors of the Telegraph Service are refunded under Rules 145 (h) and 148.

47. When the words to be repeated are written in a doubtful manner, the office of origin consults, in the first instance, the Sender. If he cannot be found, the office of origin adds to the repetition a note "Writing doubtful".

COUNTING OF WORDS.

48. What is counted.—All that the Sender writes upon the form to be transmitted to his correspondent is included in calculating the charge, with the exception of the Special Instructions referred to in Rule 21 and the name of the Telegraph Office of origin, which are transmitted free. No other words may be transmitted unless paid for.

49. Stops, etc.—Dashes which only serve to separate upon the form the different words or groups of a telegram, are neither charged for nor transmitted. Signs of punctuation, apostrophes, and hyphens are only transmitted and, consequently, charged for, on the formal request of the Sender.

50. Preamble.—Words, numbers and signs added by Telegraph Officials for official purposes are not charged for. The hour and minute (Standard time) at which a telegram is handed in are added by the Telegraph Office and transmitted free.

51. Combinations or alterations of words contrary to the usage of the language are not admitted (except in the case of registered abbreviated addresses under Rule 32, Condition 3). The same applies to combinations or alterations sought to be concealed by reversing the order of letters or syllables. Nevertheless, the names of towns and countries, patronymics (family names) of one and the same person, the names of places, squares, boulevards, streets, and any other kinds of public places, the names of vessels, whole numbers, fractions, decimal or fractional numbers, written entirely in words, and compound words admitted as such in the English and French languages and which can, if a question arises, be justified by reference to a dictionary, may be respectively written as single words, without either apostrophe or hyphen.

The words *halfpenny*, *twopence*, *threepence*, etc., up to *elevenpence*, may be written as single words.

52. The following are examples of combinations of words admissible and inadmissible as single words:—

(a) Examples of combinations admissible as single words:—

Cowhide.	Rapeseed.
Gingellyseed.	Sheepskin.

(b) Examples of combinations inadmissible as single words:—

Tapestrypatterns.	Wheatcargo.
Counteroffer.	Beerboxes.
Bankaction.	Dischargingday.
Wireanswer.	Steamercargo.
Innerbarbour.	Coastailing.
Boursecredit.	Hullsteamer.
Sailinsurance.	Alright.
Steamcoals.	Allright.
Tuesdaymorning	

53. The following are each counted as one word only:—

(a) The name of the Telegraph Office of destination when written as given in the *Telegraph Guide* (Rule 24).

(b) Every Code word which fulfils the requirements of Rule 18, clauses (c) and (d).

(c) Every isolated character, letter or figure, including the initials of persons and of such abbreviations as, *I.C.S.* or *R.A.*, which are treated as isolated letters, however written by the Sender, as well as every sign of punctuation, apostrophe, or hyphen, transmitted at the request of the Sender.

(d) Underline.

(e) Parentheses (the two signs which serve to form).

(f) Inverted commas, i.e., the two signs placed at the commencement and end of one and the same passage.

(g) In Telegraphic Money Orders, the name of the postal issuing office, the name of the postal paying office, and that of the locality where the payee resides.

54. Use of Apostrophes and Hyphens.—Words separated by an apostrophe and words joined by a hyphen are counted as so many separate words.

55. Figures, Letter Cipher, Commercial marks, etc.—Groups of figures or of letters, commercial marks composed of figures and letters are counted as one word for each five figures or letters which they contain, *plus* one word for any excess. Each of the combinations *as*, *aa*, *ao*, *ae*, *ue*, and *eh* is counted as two letters. When Commercial marks form part of the text of a telegram, the Sender should certify them to be such at the foot of the form.

56. Signs, etc., used with figures or letters.—Decimal points or full stops, commas, colons, dashes and bars of division are each counted as a figure or a letter in the group in which they occur. This also applies to each letter added to groups of figures to form ordinal numbers, as well as to letters or figures added to the number of a house in an address, even in the case of an address in the text or in the signature (i.e. "Person From") of a telegram.

57. Abbreviations.—Common titles, which in their full form are expressed by a single word, such as *Captain*, *Reverend* and *Esquire*, may be written in their usual abbreviated forms, such as *Capt.*, *Rev.* and *Esq.*, each of which counts as one word. Similarly, common abbreviations of single words, such as *Rs.* (for *Rupees*), *lbs.* (for *pounds*), are admissible and count each as one word.

58. Examples of counting.—The following examples show how the rules for counting words are to be interpreted :—

	Number of words.		Number of words.
Leveson-Gower (family name)	2	Allright	2
Levesongower (family name)	1	Alright (misspelt; inadmissible)	—
John Henry (Christian names)	2	44½ (5 characters)	1
Johnhenry (Christian names)	2	44½ (6 characters)	2
A. Gower (initial and family name)	2	44½5 (5 characters)	1
Agower (evasion; inadmissible)	—	44½55 (6 characters)	2
Bars Bazar	2	44½2 (4 characters)	1
Barabazar	1	44½ (3 characters)	1
Responsibility (14 characters)	1	½8 (4 characters)	1
Misrepresentation (17 characters)	2	2% (4 characters)	1
Prince of wales (ship)	3	17th (4 characters)	1
Prince of Wales (ship)	1	1520th (6 characters)	2
Readdressed	1	10Rs. 10As.	4
Re-addressed	2	10Rs. 10	3
Dont	1	Rs. 10, 10 (or) Rs. 10/10	2
Don't	2	11 h. 30	3
Mother-in-law	3	11,30	1
Motherinlaw	1	Eight/10	2
All right	2	5/twelfths	2
All-right	2	May/August	3

	Number of words.		Number of words.
30° (30 to the power a)*	5	G. H. F. (Commercial mark, or Secret language in State telegrams; a group of 6 characters).	2
15 x 6 (15 multiplied by 6)*	4		
Two hundred and thirty four	5	G. H. F. (Without final stop) (Commercial mark or Secret language in State telegrams; a group of 5 characters).	1
Two hundred and thirty four (23 characters)	2		
E.	1	G.H.F. 45 (Commercial mark; a group of 5 characters).	1
E. M. (Isolated letters, initials of Christian names).	2	G. H. F. 45 (Commercial mark; a group of 8 characters).	2
EM. (Initials of two Christian names, wrong combination).	2	G.O. (for General Order)	3
15A (Number of house)	1	G.O. (for General Order)	2
15-3 or 15/3 (Number of house)	1	The business is very urgent: come <u>without</u> <u>delay</u> (8 words and 2 underlines).	10
I. C. S. }		Received news of you indirectly (very bad) telegraph immediately. (9 words and 1 passage within parentheses).	10
I.C.S. } for (Indian Civil Service)	3		
Ios }		Received letter from Fern reliable source which says "convulsion business hindered by syndicate bankers" (14 words and a passage in inverted commas).	15
R. A. }			
RA } for (Royal Artillery)	2	As. (for "annas")	1
Ra. }		Co. (for "Company")	1
Emvthf (6 characters, Secret letters in State telegrams, or Commercial marks).	2	Etc. (for "et cetera")	1
Emvchf (6 characters, Secret letters in State telegrams, or Commercial marks).	2	Mr. (for "Mister")	1
197a/199a (Commercial mark; a group of 9 characters).	2	Mrs. (for "Mistress")	1
AP.M (Commercial mark or Secret language in State telegrams; a group of 4 characters).	1	No. (for "Number")	1
3/M (Commercial mark; a group of 3 characters).	1	d. (for "pence")	1
		s. (for "shillings")	1
		Cwt. (for "hundredweight")	1
G.H.F. (Commercial mark, or Secret language in State telegrams; a group of 3 characters).	1		

* The telegraph is not able to reproduce such expressions as 30°, 15 x 6, etc. Senders of telegrams must therefore replace them by the full signification, thus—30 to power a, 15 multiplied by 6, etc.

CHARGES.

59. **Classes.**—There are two classes of telegrams—*Express* and *Ordinary*. These classes apply equally to State and Private telegrams. The corresponding charges between any two Offices in India or Burma are as follows:—

Class.	Unit No. of words.	Unit rate.	Each additional word.	Address.
		R. a.	R. a.	
Express	12	1 0	0 2	Charged for.
Ordinary	12	0 6	0 1	Ditto.

60. On telegrams to or from the Pilot Vessel at the Sandheads exchanged by the Wireless Telegraph system, a special fee of Rs. 4 per telegram is levied, in addition to the rates specified in Rule 59.

PRECEDENCE.

61. **Express telegrams** have precedence over Ordinary telegrams in transmission and are delivered by messengers at any time during the day or night.

62. Ordinary telegrams are transmitted in their turn after Express telegrams, and delivery is effected by messengers between 6 hours and the time of closing of a telegraph office, but not later than 23 hours.

63. Ordinary telegrams are not accepted on Sundays and the four principal holidays, Christmas Day, New Year's Day, Good Friday and the King's Birthday.

PAYMENT OF CHARGES.

64. Charges how paid.—With the exceptions provided for in Rules 39, 65, 70, 71, and 128, all charges on telegrams must be prepaid in Cash or Postage Stamps. If the class of the telegram is not stated by the Sender, it will be classed and charged for as Ordinary (Rule 59).

65. At Departmental Telegraph Offices, telegrams can be accepted without prepayment on the Deposit System of Accounts on the following conditions:—

- (i) Any person who deposits a sum of money equivalent, approximately, to the average monthly payments on telegrams transmitted by him, may open an account with the Departmental Telegraph Office at which the deposit is made and transmit all classes of telegrams without prepayment, from that office. This deposit will be refunded when it is desired to discontinue the system of sending telegrams without prepayment.
- (ii) In addition to this deposit, a sum of Rs. 10 will be levied as the minimum charge per annum, payable in advance, to cover as far as it goes a commission at the rate Re. 1 for every 25 telegrams transmitted without prepayment during the year.
- (iii) At the end of each month, a bill will be presented showing the net amount due on telegrams transmitted without prepayment during the month, which should be paid into the Telegraph Office concerned within three days of the presentation of the bill.
- (iv) The account for commission will be submitted quarterly, and, if within the period covered by the annual or minimum charge, the account should show a balance against the party in account with the Telegraph Office, the amount will be recovered.

66. Postage Stamps.—Postage stamps are of the following values:—

½ anna	2½ annas	8 annas	3 rupees.
¾ "	3 "	12 "	5 "
1 "	4 "	1 rupee	10 "
2 annas	6 "	2 rupees	15 "
			25 "

Service Postage Stamps, i. e., Postage Stamps overprinted with "On H. M. S." should be used in payment of State telegrams.

67. Affixing Stamps.—The Stamps must be affixed by the Sender to the telegram form in the space allotted for the purpose, and he should see that the Stamps are defaced by the Counter Clerk with the Name and Date stamp of the office.

68. Spoilt or defaced Stamps.—Postage Stamps which have been obliterated, defaced, torn, cut or otherwise rendered imperfect, or which have any word, letter, figure, or design written, printed, or impressed upon them, otherwise than by the authority of Government, before being affixed, or which have been cut or otherwise separated from embossed envelopes, postcards or wrappers, cannot be recognised in payment of telegrams.

NOTE.—The perforation of Postage Stamps with initials, or other identifying marks, traced in minute holes is not prohibited.

69. Receipt.—A receipt containing particulars of the number of the telegram and the charges paid can be obtained for each telegram tendered for transmission at a Telegraph or Postal Receiving Office. Duplicate copies of receipts for telegrams are never given.

70. Telegrams from ships.—Telegrams arriving by mail steamers and other vessels for onward transmission by telegraph may be transmitted without prepayment; but no such telegram, whether prepaid or not, will be transmitted until the name of the vessel from which it is received is known at the Telegraph Office.

71. Telegrams from Field Telegraph Offices.—When at a Field Telegraph Office prepayment is impracticable, Private telegrams, addressed to any office other than a Field Telegraph Office, will be accepted "bearing," but such telegrams will not be delivered to the Addressee until they have paid the charges due on them (Rule 72).

72. Recovery of bearing and other charges from Addressee.—In every case where charges have to be collected on delivery (Rules 13, 70, 71, 84, 86 and 128), the telegram is only handed to the Addressee upon payment of the amount due.

73. Any Undercharge made in error, and charges and expenses not recovered from the Addressee in consequence of his refusal to pay them, or the impossibility of finding him, must be made good by the Sender.

74. Any Overcharge made in error is returned to the person entitled to it. No refund, however, is made of the value of the stamps in excess affixed by the Sender, unless he applies for it to the Superintendent, Check Office, Indian Telegraph Department, Calcutta, under Rules 145 (j) and 148.

INTERRUPTION OF TELEGRAPHIC COMMUNICATION: TRANSMISSION IN DUPLICATE.

75. When an interruption to the regular means of telegraphic communication occurs during the transmission of a telegram, the office beyond which the interruption exists, or an office situated further back and having at its disposal an alternative telegraph route, immediately sends the telegram by such a route, or failing that, by special messenger or by post (registered, if possible).

76. If a telegram is retransmitted by means other than telegraphic, it will be addressed by the retransmitting office either to the nearest telegraph office able to retransmit it, or to the office of destination, or to the addressee himself. As soon as communication is re-established, the telegram is transmitted afresh by telegraph, unless its receipt has been previously acknowledged, or unless, on account of an exceptional accumulation of traffic, this retransmission would be manifestly prejudicial to the general service.

CANCELLATION.

77. If the Sender of an Inland telegram, or his authorised representative, wishes to cancel the telegram before transmission has begun, he can do so, and the charges, less a fee of two annas, will be returned: Provided that, if the telegram has been stamped and the stamps have been obliterated, the charges shall be refunded under Rule 145 (k), only on application being made to the Superintendent, Check Office, Indian Telegraph Department, Calcutta, within the period prescribed by Rule 148. If the telegram is in course of transmission, or has already been despatched, it can be cancelled only by a Paid Service Advice addressed under Rule 44 to the office of destination. If, in addition, the Sender wishes to be informed by telegraph in what manner his request has been acted upon, he must deposit the cost of the return telegram: otherwise he is informed by post. If the telegram has been delivered to the Addressee, the latter is informed of its cancellation unless the Service Advice contains instructions to the contrary.

DELIVERY AT DESTINATION.

78. According to Address and Order.—Telegrams are, according to their Addresses, either delivered at the residences of the Addressees, or kept at the Telegraph Office or Post Office till called for. They are, in all cases, delivered at, or sent to, their destinations in order of receipt.

79. Free Delivery Limits.—Telegrams are delivered free of charge within five miles of a Telegraph Office. Beyond this free delivery limit, telegrams are sent by post without charge, or by such other means as the Sender may arrange and pay for (Rules 115—120). For telegrams to be delivered by boat see Rule 84.

80. Persons to whom telegrams may be delivered.—A telegram taken to the Addressee's place of residence may be delivered either to the Addressee, the adult members of his family, any person in his service, to his lodgers or guests, or to the porter of the hotel or house, unless the Addressee has named in writing a special person, or the Sender has requested by writing on the form the Special Instruction *Addressee only* or (*M.P.*)—see Rule 17 (d)—, that the telegram may be delivered only into the hands of the Addressee himself. In this case the Office of destination writes the instruction "Addressee only" in full on the envelope and gives the necessary instructions to the messenger.

81. Open Delivery.—The Sender may also request that the telegram may be delivered open, by writing on the form the Special Instruction "Open"—see Rule 17 (d). This request is reproduced on the copy handed to the Addressee, which is delivered without an envelope, simply folded, with the Address written on the back.

82. Telegrams to be kept till called for.—When the telegram bears the Special Instruction *to be kept at the Telegraph Office till called for* or (*TR*), it is delivered to the Addressee or his duly authorised representative over the telegraph counter. Telegrams

bearing the Special Instruction *to be kept at the Post Office till called for* or (GP) are handed to the Post Office by the Telegraph Office of destination. The latter are, as regards delivery and period of preservation, subject to the same rules as postal correspondence.

83. Delivery on ships.—Telegrams addressed to passengers on board a vessel arriving at a port are delivered, if possible, before disembarkation.

84. Delivery by boat.—When an Inland telegram has to be delivered on board a ship which cannot be reached without a boat (i.e., when the ship is not alongside a wharf, pier or jetty) or at a place which cannot be reached without a boat, the boat-hire must be paid by the Addressee if the Sender omits to prepay it. The indication *Boat-hire paid* or (BPD); or *Boat hire paid double* or (BPDN)—if the Sender has paid the boat hire and wishes the telegram sent on board at night—should be entered on the form. Boat-hire prepaid but not expended will be refunded [Rules 145 (c) and 143]. Information regarding fixed express charges for boat-hire for certain places in India can be obtained from the Telegraph Office.

85. Reply given to messenger.—Save in the case of delivery by the ordinary post beyond the free delivery limit, the messenger who delivers a telegram may be entrusted with the Reply, provided he be not detained for this purpose more than five minutes. The fact of the Reply having been given to the messenger, and the amount paid to him should be mentioned on the Receipt signed for the original telegram.

86. Re-direction.—Telegrams can be re-directed to a second address, either by an official of the Telegraph Office, or by an agent of the Addressee. When official re-direction of telegrams is required, a notice to that effect must be given to the Telegraph Office concerned; printed forms for the purpose can be obtained from the local Telegraph Office. The person who gives notice is responsible for any charges that may be incurred. No additional charge will be levied for re-direction, if the two addresses are within the same town, but if in different towns, the full Inland rate, according to the class of the telegram, will be charged for the re-direction. If the sum due has not been paid at the office where the telegram has been re-directed, the amount will be recovered from the Addressee before delivery. State telegrams will be re-directed free. Instructions left at the Telegraph Office regarding the re-addressing or re-direction of telegrams will be considered to be in force for a month only; after that period they will be liable to the fees prescribed by Rule 92.

87. Inland telegrams may also be retransmitted to Ceylon at the request of the Addressee or some responsible resident acting on the Addressee's behalf. In that case, the full charge for the telegram from India to Ceylon will, when possible, be recovered from the Addressee. Requests for retransmission must be made in writing, and any one making such request must undertake to pay the charges which may not be collected by the Delivery Office. When no such undertaking accompanies a request to retransmit, the telegram will be posted and the Sender advised. Telegrams returned unopened with a new address in Ceylon will be similarly dealt with.

88. Undelivered telegrams.—When a telegram cannot be delivered, the office of destination, after a brief delay, sends a Service telegram to that effect to the office of origin and the Sender is informed, except in the case of—

- (a) Telegrams addressed *To await arrival, Télégraphe restante, Poste restante, or Care of Telegraph (or Post) Office*, and
- (b) telegrams to places beyond the free delivery radius which have been duly posted and are subsequently returned as undelivered by the Post Office to the Telegraph Office which posted them. In cases (a) and (b) when a charge has to be collected, the Service Advice of non delivery is sent by post at the expiration of the period for retaining such correspondence.

89. When in consequence of an inexact or insufficient Address or of the Addressee's absence or refusal, bearing charges have not been paid at destination, the amount of these charges is mentioned in the Service telegram and the Sender is bound to make them good.

90. If the messenger finds no one at the Address given who will consent to receive a telegram for the Addressee, a notice is left at the residence indicated, and the telegram is brought back to the Telegraph Office to be delivered to the Addressee, or to any person authorized by him to take delivery of it, upon application from either. When the Addressee duly advised as above of the arrival of a telegram, does not take delivery within 24 hours, non-delivery is reported in accordance with Rule 88.

91. Unclaimed telegrams.—Telegrams unclaimed, or not delivered, are not kept after two weeks by the office of destination.

92. Directions about delivery.—For the registration of standing instructions regarding the delivery of telegrams during fixed hours, the same fee as for the registration of an abbreviated address is levied (*vide* Rule 32). If the fee for a registered abbreviated address has already been paid that fee will cover the registration of special delivery instructions. In the case of Government Officials, no charge is made for the registration of abbreviated addresses, but they will be required to pay the prescribed fee for the registration of standing instructions regarding the delivery of telegrams during fixed hours.

SPECIAL TELEGRAMS.

(A) *Prepaid Replies.*

93. The Sender of a Private telegram, or of a State telegram addressed to a person other than a British Government Official, may prepay a reply, but the amount so prepaid shall be not less than six annas. The Sender of a Reply-paid telegram should write the words "Reply-paid" in the space provided on the form. [Rules 17 (d) and 21.]

94. At destination, the Telegraph Office delivers to the Addressee a Reply telegram form, which entitles him to send free of charge from any Telegraph or Receiving Office in India, and within the value of the amount prepaid, a telegram to any destination in India. Two or more Reply telegram forms may be used in payment of one Inland telegram, but one Reply telegram form cannot be used in payment of two or more telegrams. A Reply telegram form can prepay the cost of a telegram and its reply if necessary.

95. If the reply exceeds the amount notified in the Reply telegram form, the difference must be paid in cash or stamps by the Sender of the reply (Rule 67). If, on the other hand, the amount notified on the Reply telegram form exceeds that of the Reply, the difference, if it be not less than eight annas, will be refunded to the Sender of the original telegram on application to the Superintendent, Check Office, Indian Telegraph Department, Calcutta. No refund will be given on a Reply telegram form, which has been prepaid by another Reply telegram form and not by cash or stamps.

96. The Reply telegram form is available for only two months (date of issue included) after which it lapses.

97. When the Addressee has not made use of the Reply telegram form, or has refused it, the money deposited for the reply can be refunded to the Sender under the conditions of Rules 145 (d) and 148.

98. Should it be impossible to effect delivery of a Reply-paid telegram, the Office of destination sends a Service telegram to that effect and the Sender is informed (Rule 88). The Reply telegram form remains attached to the telegram during the period of retention fixed by Rule 91, after which it is sent to the Check Office to await any application for refund of the amount prepaid that may be preferred by the Sender according to Rule 148.

99. When a telegram to which a reply is prepaid, is addressed to a place where there is no Telegraph Office, the telegram and Reply telegram form are forwarded to destination from the nearest Telegraph Office by ordinary post free of charge.

100. It is not compulsory on the Addressee to send a reply. The duty of the Office of destination consists simply in the delivery of the Reply telegram form for the amount prepaid, and the Addressee is at liberty to do what he pleases with it.

101. The Sender of a State telegram addressed to a Government Official cannot prepay a reply. In the case of a State telegram addressed to other than a Government Official, any sum deposited by the Sender under Rule 93 must be intended for no other purpose than to cover the cost of a return telegram.

(B) *Collated (or Repeated) telegrams.*

102. Collation consists in the entire telegram (including the Preamble) being repeated back immediately on its receipt by each Office concerned in its transmission.

103. The Sender of any telegram can require it to be collated, or repeated, to insure correctness. In this case he must write the Instruction T. C. [Rules 17 (d) and 23].

104. The charge for collation is equal to one-fourth the charge for the telegram. In calculating this charge, fractions of half an anna will be reckoned as half an anna.

105. State and Service telegrams written in Secret language are invariably collated free of charge (Rule 35).

(C) *Acknowledgments of Receipt.*

106. The Sender of a telegram can require that a notice of the date and time at which his telegram is delivered to the Addressee shall be notified to him as soon as possible after its delivery. He should write on the form the abbreviation (P C)—see Rule 17 (d). When the telegram is forwarded to its final destination by post, deposited *poste restante*, or delivered to any intermediate agency, this notice mentions the date and time of such forwarding, deposit, or delivery. This Acknowledgment of Receipt may be addressed to him at any place he may name.

107. The charge for an Acknowledgment of Receipt by telegraph is six annas.

108. A telegraphic Acknowledgment of Receipt ranks for transmission as an Ordinary Private telegram.

109. In the case of non-delivery provided for in Rule 88, the Acknowledgment of Receipt is preceded by the Service Advice required by that Rule. The Acknowledgment of Receipt is detained during the period prescribed in Rule 91, or is transmitted after the delivery of the telegram, if that becomes possible. At the expiration of this period, if the telegram has not been delivered, the charge for the Acknowledgment of Receipt is refunded to the Sender of the telegram under the conditions of Rule 145 (g), if he has not already applied for such refund.

110. An Acknowledgment of Receipt when it reaches the office of origin, or the office indicated in the telegram (Rule 106), is notified to the Sender. When the Acknowledgment of Receipt has reference to a telegram which has been readdressed (Rule 86), the office of origin recovers from the Sender any charges that may be due.

(D) Multiple telegrams.

111. Addressed to one Telegraph Office.—Except as provided for in Rule 121, a telegram addressed to several persons in the same locality, or in different localities served by the same Telegraph Office, or to the same person at several Addresses in the same locality, or in different localities served by the same Telegraph Office, is charged for as a single telegram; but a copying fee of four annas per 100 chargeable words, *plus* four annas for the excess, is charged for each destination after the first.

Copies of a multiple telegram will only be delivered by post from the Terminal Telegraph Office when addressed to places beyond the telegraph lines. Such copies cannot be posted to places where there are Telegraph Offices.

112.—Addressed to more than one Telegraph Office.—A telegram addressed to several persons, or to the same person, in localities where delivery is to be effected by different offices, is charged for as so many separate telegrams, and shall be written on separate telegram forms. Telegrams addressed to stations which are local telegraph offices within the free delivery radius of the Central Office are, however, treated as laid down in Rule 111. Press telegrams addressed to more than one Telegraph Office, are invariably treated as in Rule 111 (See Rule 129).

113. In the case provided for in Rule 111, each copy of the telegram delivered will bear its own particular Address only, unless the Sender has requested the contrary. In the latter case the Sender should write the words *Communicate all Addresses* or—CTA [Rule 17 (d)] which are not charged for.

114. Replies cannot be prepaid on multiple telegrams.

(E) Telegrams to be delivered by Post or Special Messenger.

115. Post or Special Messenger.—Telegrams addressed to places where there are no Telegraph Offices may be delivered at destination, according to the request of the Sender, either by post or by special messenger.

116. The Address of telegrams to be conveyed beyond the telegraph lines should be written as follows:—

(a) If the message is to be posted from the nearest Telegraph Office—

To—John Doe, Esq.,

Sherghetty, Post Gya.

(b) If the message is to be sent by special messenger—

Office of Origin and Service Instructions.

Calcutta—X.P., Rs. Two

To—John Doe, Esq.,

Nynan, Express Hooghly Point.

The Instructions (*Post*) or (*X. P. Rs. two*) are not charged for (Rules 28 and 48).

117. Express or portage charges must be prepaid by the Sender. If the charges are fixed the telegram bears the Sender's Special Instruction *Express paid* or (*X.P.*) only. If not, the Sender must pay such sum as he thinks sufficient and the telegram must bear the Special Instruction *Express R*—or (*X.P.—R*). If the sum deposited is found to be insufficient at the Office of destination, the difference is recovered from the Addressee. Information regarding fixed Express or portage charges for certain places in India can be obtained from the Telegraph Office.

118. Postage.—No charge is made for postage on a telegram addressed to a place in India where there is no Telegraph Office, or to a place out of India to which Indian Inland Postal rates, apply, *e.g.*, Aden and Ceylon, but on telegrams to be posted to a place beyond

the limits of the Indian Inland Postal Tariff, the following additional charges must be paid to cover postage and registration :—

- (i) On a telegram to be posted to the United Kingdom, or any British Possession which has joined the Penny Postal Union—
one anna, if the message is to be posted unregistered, and three annas if it is to be posted registered.
- (ii) On a telegram to be posted to a country which has not joined the Penny Postal Union—
2½ annas, if the message is to be posted unregistered and 4½ annas, if it is to be posted registered.

119. Inland Telegrams posted from India to Ceylon.—Inland telegrams to be posted to Ceylon may be addressed to Tuticorin, from which place a daily mail boat leaves for Colombo.

EXAMPLE.

To—Young,
• Oriental Hotel,
Colombo, *Post* Tuticorin.
Text.

Start by first Steamer.

From—W. Collins.

The charge for such a telegram is the usual Inland rate according to class, and, as stated in Rule 118, there is no charge for postage. The word *Post* is also not charged for (Rules 23 and 48).

120. Inland telegrams posted from Indian Ports.—An Inland telegram telegraphed to an Indian port to be posted under Rule 118 to a place beyond Indian limits must have the name of the port entered in the Address, and the Instructions *Post*, or *Post Registered* [Rules 17 (d), 21 and 23] before the name of the Telegraph Office from which to be posted.

EXAMPLE.

To—Mrs. Johnson,
20, Cambridge Terrace,
Hyde Park,
London, *Post* Bombay.
Text.—Afraid my letter missed mail. Am quite well.
From—Johnson.

The charge for such a telegram would be the usual Inland rate, according to the class (Express or Ordinary at Sender's choice), plus one anna for postage under Rule 118. If the Sender desires the message to be registered before being posted, he should insert the Special Instruction *Post Registered* (or *P. R.*) before the name of the Telegraph Office from which to be posted. The charge for postage and registration would then be three annas under Rule 118.

Telegrams as in this Rule may also be multiple (Rule 111), but in such case the Sender must pay the copying fee for each additional Address, and also an additional fee for each for postage, or for postage and registration, as the case may be, according to the charges laid down in Rule 118. But such telegrams cannot be addressed partly to persons beyond the sea, and partly to persons at the port itself. If the Sender wants the telegram also delivered to a person at the port itself, he must send it as a separate telegram.

121. Mixed Postal and Telegraph Service between India and the United Kingdom.—Communications intended for places in the United Kingdom may be telegraphed to Bombay for despatch by registered post to London and telegraphed thence to destination. The charges for such communications will be :—

- (1) The charge for the telegram in India at *Express* or *Ordinary* rates according to the wishes of the sender.
- (2) One anna for postage, and
- (3) The British Inland telegram rate of ¼d, or half an anna, per word with a minimum of six pence, or six annas.

The communications should be addressed as shown below :—

To
Mrs. Wilcox,
18, Goldspink Lane,
Newcastle, *c/o* *Telegraphs* Bombay.
Text.—Afraid my letter missed mail. Am quite well
From—Wilcox.

The words "*c/o Telegraphs Bombay*" will be charged for on the Indian section. On arrival at Bombay, the Central Telegraph Office will score out the words "*c/o Telegraphs Bombay*" and arrange to forward the telegram by post in a *registered* packet to the Central Telegraph Office, London, from whence it will be telegraphed to its destination. The charges for the above telegram will be:—

	If sent as:—	
	Express. Rs. A.	Ordinary. Rs. A.
(1) <i>On Indian Section.</i> —18 words (including the instruction " <i>c/o Telegraphs Bombay</i> ").	1 12	0 9
(2) Postage (including registration) from Bombay to London.	0 1	0 1
(3) <i>On British Section.</i> —15 words (excluding the instruction " <i>c/o Telegraphs Bombay</i> ").	0 7½	0 7½
Total	2 4½	1 1½

The following are not admitted in the mixed postal and telegraph service:—

- (a) Telegrams with Reply paid (Rule 93).
- (b) Collated telegrams (Rule 102).
- (c) Telegrams with acknowledgment of receipt (Rule 106).
- (d) Multiple telegrams (Rule 111).
- (e) Telegrams for delivery by Special Messenger (Rule 115).
- (f) Semaphoric telegrams (Rule 123).

122. Employment of post.—In case of telegrams for places over five miles distant from the Telegraph Office of destination, that Office is entitled to post such telegrams—

- (a) in the absence of directions in the telegram as to the means of delivery to be employed, or
- (b) when there is an unpaid claim against the Addressee for delivery charges on a previous telegram, which he has refused to pay.

Telegrams for places over five miles distant from the Telegraph Office of destination must be posted by that Office—

- (a) when such has been the request expressly made by the Sender (Rule 115) or the Addressee (Rule 86). The office of destination may, however, effect delivery by special messenger, even for telegrams bearing the instruction *Post*, if the Addressee has expressed a desire to receive his telegrams by special messenger;
- (b) when the Office of destination has no more rapid means of delivery at its disposal.

(F) *Semaphoric Telegrams.*

123. Semaphoric telegrams are telegrams exchanged with ships by means of Semaphore established on shore.

124. Semaphore Stations.—The following are the Government Telegraph Offices which are Semaphore stations:—

Achipur.	Elephant Point.
Amherst.	False Point Light-house.
Budge-Budge.	Hogghly Point.
Diamond Harbour.	Mud Point.
Diamond Island	Saugor Island.

125. Language.—Semaphoric telegrams must be written in *English* or by means of groups of letters of the International Code of Signals.

126. Address.—When a Semaphoric telegram is for a ship at sea, the Address must contain, in addition to the ordinary directions, the name or official number of the vessel for which it is intended, and its nationality.

127. Preamble.—The word *Semaphoric* should be written and signalled after the office of origin, i. e., in the space marked "Service Instructions" on every telegram received from a ship at sea. When it is addressed to a ship at sea this instruction is not inserted.

128. Charges, etc.—The charge for Semaphoric telegrams is the usual charge, *plus* a fixed fee of eight annas. In case of Semaphoric telegrams addressed to ships, the charges must be paid by the Sender; in case of such telegrams received from ships, the charges must be paid by the Addressee before delivery.

PRESS TELEGRAMS.

129. Rates.—The following are the rates charged for Press telegrams :—

Class.				Unit No. of words.	Unit rate.	Each additional six words.	Address.
					R. s. p.	R. s. p.	
Express	...	...	...	48	1 0 0	0 2 0	Free.
Ordinary	...	...	...	48	0 8 0	0 1 0	Do.

Multiple Press messages will be charged for as in Rule 111, whether all the Addresses are in the same town or not. The address in a Press telegram includes the name of the office to which the telegram is to be transmitted, the name of the correspondent, and the name and address (if necessary) of the Newspaper or News Agency.

130. Press telegrams at Ordinary rates are not accepted on Sundays and the four principal holidays, Christmas Day, New Year's Day, Good Friday and the King's Birthday.

131. Conditions.—A Press telegram to be accepted at Press rates must fulfil the following conditions :—

(1) It must be addressed to a newspaper or news agency, the name of which has been registered by the Director-General of Telegraphs. The official Gazettes published by the Government of India, by Provincial Governments and by Native States will not be registered under this rule.

A list of such registered newspapers or news agencies, is published in the *Telegraph Guide*. A news agency must on registration and annually thereafter submit to the Director-General of Telegraphs a list of its *bona fide* subscribers to whom it issues news. Applications for the registration of newspapers or news agencies should be made on forms to be obtained at Government Telegraph Offices.

(2) It must be addressed to the newspaper or news agency in accordance with its registered title, and to the town at which the newspaper or news agency is registered.

(3) It must, except as provided hereafter in Condition (5), contain only intelligence which is clearly intended for publication in registered newspapers. The news which a news agency receives and disseminates at Press rates may only be given to duly registered newspapers or other registered news agencies.

(4) It must be written in plain *English* so as to be intelligible to the transmitting Offices and must contain nothing of concealed meaning either in Code language or Cipher. In Press telegrams ordinary English words may be abbreviated.

(5) It may also be a telegram sent from, or to, the newspaper or news agency by its registered title (but not in the name of the editor, publisher, manager, or any other person), to or from its correspondents or employes on the subject of a telegram published, or to be published, or to an official of the Telegraph Department on matters of Press business.

(6) If a press telegram be addressed to the editor, publisher, manager or any other person connected with the newspaper or news agency, by name or designation, it is chargeable at the full inland rates.

(7) Whenever demanded, a copy of every newspaper in which a Press telegram is published must be furnished to the Telegraph Office from which that Press telegram was delivered.

(8) Long news messages should be broken up into pages of about 75 words each. All the pages must be numbered consecutively and each of them, except the last, should conclude with the words "*More to follow*" (or M. T. F.). The last page should conclude with the words "*End of message.*" These words and numbers are not charged for. The name of the sender should be written at the top of each page, and the last word of each page should be repeated at the top of the next page. The interval between the handing in of the different pages should not exceed an hour. When this interval is exceeded, the pages handed in late will be treated as a fresh message and charged accordingly. In telegrams addressed to more than one newspaper or news agency, the full list of addresses need only be furnished with the first page, and each of the consecutively numbered pages will be considered to be addressed to all the newspapers and news agencies.

NOTE.—Attention is specially directed to the necessity of writing as legibly as possible, and it is recommended that whenever practicable, the copy should be written in ink, and not in pencil.

(9) When a Press message is addressed to more than one office, a sufficient number of copies of the text should, when practicable, be supplied to allow of its being telegraphed simultaneously to each office. Information as to the number of copies required can always be obtained beforehand from the Telegraph office from which the news is to be sent.

(10) At least 8 hours' previous notice should, when possible, be given of the intention to send long news messages of a greater length than 1,000 words. This notice should be

given to the Telegraph office at which the news will be handed in, together with the following particulars:—

- (i) Time at which messages will be handed in;
- (ii) length; and
- (iii) addresses.

132. Stops.—In Press telegrams, where the sense so often depends upon the punctuation especially in the case of long messages, full stops will be signalled free of charge, but this privilege will not be extended to other signs of punctuation.

133. The Press telegram rates apply only to telegrams which satisfy all the conditions of Rule 131, and any subsequent claim made by the Telegraph Department for the difference between Press and full Inland rates must be satisfied immediately on demand.

134. Press telegrams accepted without prepayment.—Press telegrams may be accepted without prepayment from correspondents, provided that any newspaper or news agency which may desire the facility obtains previous sanction from the Director-General of Telegraphs and deposits a sum of money in cash, or Government Promissory Notes, as detailed below:—

- (i) *If the accounts are to be rendered monthly*, the equivalent of eight week's transactions subject to a minimum of Rs. 50.
- (ii) *If the accounts are to be rendered fortnightly*, the equivalent of six weeks' transactions subject to a minimum of Rs. 50.

The accounts for the messages sent without prepayment will be rendered by the *Superintendent, Check Office, Indian Telegraph Department, Calcutta*, and must be paid within one week of the date on which they are received.

135. Railway Offices.—Except in the case of such Railway Administrations as may be willing to accept Press messages for transmission within the limits of their respective Railways, when the wires are not occupied by telegrams on the business of the Railways, the Press Telegram Rules do not apply to Licensed Telegraph Offices. Press messages cannot be transferred from one telegraph system to another (Rule 14).

136. Delivery.—Press telegrams of either class are sent out for delivery as soon as received, by day or by night.

RECORDS.

137. Period of preservation.—The originals of telegrams and documents relating to them are kept for three days only in Government Telegraph Offices, after which time they are sent to the *Check Office, Indian Telegraph Department, Calcutta*, where they are preserved for three months (except in the case of offices situated on the Frontier beyond Kashmir and on the extreme limits of Burma, the records of which are preserved for four months) from the month following that in which the telegram was handed in, and then destroyed.

138. Secrecy.—The originals or copies of telegrams can only be communicated to the Sender, or to the Addressee, after proof of identity, or to the authorised representative of either of them.

139. Copies.—The Sender or the Addressee of a telegram, or the authorised representative of either, has a right to be furnished with a certified copy of the original telegram or of the copy delivered at destination, on application to the Telegraph Office within three days, or to the *Superintendent, Check Office, Indian Telegraph Department, Calcutta*, within the period of preservation (Rule 137). This right lapses after the expiration of the time fixed for preserving the records.

140. A fixed charge of four annas is made for every copy furnished in conformity with Rule 139, if the telegram does not exceed 100 words. Over 100 words, this charge is increased by four annas for each 100, or fraction of 100 words.

141. Copies cannot be supplied unless the Senders, the Addressees, or their authorised representatives, furnish the necessary information to enable the telegrams to which their requests refer, to be found.

142. Extended preservation.—On the ground of pending or contemplated judicial proceedings, application may be made by an interested party to the *Superintendent, Check Office, Indian Telegraph Department, Calcutta*, for the preservation of specified telegrams exchanged between other persons. Such application must be made within the period of preservation, and such telegrams will then be preserved for a period of three months beyond the ordinary date for destruction under Rule 137; at the expiration of this further period, they will, in default of a renewed application, be destroyed. It must be understood that the duty of the Telegraph Department in the matter is confined to making the search and preserving the telegrams, if found. No information as to the result of the search will be furnished, and any telegrams answering the description given, which may be found, will be produced only on the order of a competent Court of law or other competent authority.

143. Fees for searching for telegrams.—Should the particulars furnished be insufficient to enable the Check Office at once to trace the telegrams applied for under either Rule 139 or Rule 142, the cost of searching for them must be deposited by the applicant. A fee of one rupee is charged for searching through the telegrams of any Telegraph Office for one day: thus, if it be required to examine the telegrams of two Telegraph Offices over a period of five days, the searching fee will be ten rupees.

REFUNDS.

144. State telegrams.—No refunds will, under any circumstances, be made for a State telegram of any class, except in the case of overcharge provided for in Rule 149.

145. Private telegrams.—Refunds of the following charges on Private telegrams are made to those who originally paid them on receipt of an application for such refund, or of a complaint against the service:—

- (a) The full charge paid for every telegram which, through the fault of the Telegraph service, has failed to reach its destination.
- (b) The full charge paid for every *Express* telegram which has been subjected to serious delay through the fault of the Telegraph service.
- (c) The full charge paid for every Collated telegram (Rule 103) which, owing to errors made in transmission, has manifestly failed to accomplish its object, unless the errors have been rectified by paid Service Advices under Rule 44. No refund is granted for errors made in the transmission of uncollated telegrams.

In the cases provided for in clauses (a), (b) and (c) the refund applies only to the charge of the actual telegrams not delivered, delayed or mutilated, including the supplementary charges not utilised, but not to telegrams necessitated or rendered useless by such non-delivery, delay or mutilation—

- (d) The full amount of every sum prepaid for a reply (Rule 93) when the Addressee has not made use of the Reply telegram form or has refused it (Rule 97), or, when the Reply telegram form has been used, the difference, if it be not less than eight annas, between the value of the Reply telegram form and the cost of the reply (Rule 95).
- (e) The full amount of every sum prepaid for a reply to a telegram which has not been delivered (Rule 98). The Sender should forward with his application for refund—see Rule 148—the receipt granted for the original telegram, and the report of non-delivery received by him.
- (f) The full charge for every telegram with prepaid reply which has manifestly been unable to fulfil its object owing to a service irregularity which warrants the return of the charges for the reply; also the full charges for every prepaid reply which has manifestly been unable to fulfil its object owing to a service irregularity which warrants the return of the charges for the original telegram.
- (g) The supplementary charges pertaining to any special service which has not been rendered, as well as the charge for the corresponding supplementary instructions.
- (h) The full charge paid for every paid Service Advice sent under Rules 44 and 45, if the repetition shows that the word or words repeated were transmitted incorrectly at first.
- (i) The full charge for every other Paid Service Advice sent under Rules 44 and 45, necessitated by an error of the Telegraph Service.
- (j) The value of excess stamps affixed by the Sender (Rule 74).
- (k) The value of the stamps affixed to a telegram cancelled before transmission, less a fee of two annas (Rule 77).

146. No refund is made for the telegram which has given occasion to a request for correction, nor are any refunds made for rectifying or completing telegrams exchanged direct between the Sender and Addressee (Rule 45).

147. In case of a partial refund on account of a multiple telegram, the total charge collected is divided by the number of copies, and the quotient represents the charge appertaining to each copy, the telegram itself counting, in this respect, as one copy.

148. (1) Every claim for refund, and every complaint respecting telegrams, shall be addressed to the Superintendent, Check Office, Indian Telegraph Department, Calcutta, within two months from the date of the telegram:

Provided that claims for refunds on account of Paid Service Advices (Rule 46) may be made to the Telegraph Departmental Offices and Combined Post and Telegraph Offices in charge of Head and Sub-Postmasters from which such advices were booked within three days from the date of the telegram.

(2) Every such claim and complaint shall be accompanied by documentary evidence, namely:—

- (a) in case of non-delivery or of delay, by a written statement from the office of destination, or from the Addressee;
- (b) in case of alteration or omission, by the copy of the telegram delivered to the Addressee;
- (c) in case of an unused Reply telegram form (Rule 97), by the Reply telegram form delivered to the Addressee;
- (d) in case of paid Service Advices (Rule 46) by the receipt for the repetition message and the correction memorandum granted in connection therewith by the Telegraph Office of delivery; and
- (e) in case of telegrams stamped in excess by the Sender (Rule 74), or stamped and cancelled before transmission has begun (Rule 77), by the receipt (Rule 69) granted for the telegram.

149. State and Private.—When no doubt exists as to an over-charge having been made on an Inland State or Private telegram by the mistake of an official at any Telegraph Office, the over-charge is to be at once refunded by such Office (Rule 74).

SECTION III.

RULES FOR FOREIGN TELEGRAMS.

FOUNDED ON THE INTERNATIONAL TELEGRAPH CONVENTION.

Note.—The Articles and Regulations quoted in the margin denote the corresponding Rules in the International Telegraph Convention. Points not specifically provided for in these Rules are dealt with in the manner prescribed in the Convention.

GENERAL.

150. Foreign Telegrams are those which are sent to, or received from, places beyond Indian limits. Such telegrams are subject to the regulations laid down by the *International Telegraph Convention*, to which the Government of India is a party. None of the parties to the Convention accept any responsibility on account of Foreign telegrams. (For tariffs and rates, see Rules 234 to 237).

151. Legibility and Forms.—To secure accuracy and rapidity of transmission, Senders of telegrams are advised to write them in a clear and unmistakable hand, and on the proper forms, which can be obtained free of charge at all Telegraph Offices (Rule 4). Telegrams written on plain paper are, however, accepted at all Offices.

Notes.—Books containing 100 forms for Foreign telegrams can be purchased at the principal Government Telegraph Offices; price with counterfoils two annas, and without counterfoils one anna each.

152. Offices where Foreign Telegrams are accepted.—Telegrams for Ceylon are accepted at all Telegraph Offices in India, also at a few Postal Receiving Offices. Telegrams for other countries are accepted at all Government Telegraph Offices, also at a certain number of Railway Telegraph Offices.

153. Foreign telegrams are only accepted at Field Telegraph Offices when fully prepaid in postage stamps, and then at the Sender's risk.

154. Foreign telegrams, except for Ceylon, cannot be accepted at any Railway Telegraph Office at places where there is also a Government Telegraph Office.

Art. 7 and Reg.
XLV, 1 and 2.

155. Objectionable telegrams.—The parties to the Convention reserve to themselves the right of stopping the transmission of any Private telegram which may appear dangerous to the security of the State, or contrary to the laws of the country, to public order, or decency. The Terminal or any Intermediate Office may exercise this control on condition of immediately advising the Office of origin. Telegrams intended for a re-forwarding agency referred to in Rule 190, and which have been wrongly accepted, must be stopped by the office of delivery.

Reg.
XLV, 4.

156. Telegraph Offices in India are required to refuse to accept any telegram which appears to be of the above character. Should the character of a telegram be open to doubt the matter will be referred to a Secretary to Government, if the telegram be tendered at a seat of Government, or to the chief Civil or Military Officer if tendered at another place.

Art. 8 and Reg.
XLV, 1.

157. Each of the Contracting Governments reserves to itself the right to suspend the International Telegraph service for an indefinite period, if it deem necessary, either generally, or only upon certain lines and for certain classes of correspondence.

Art. 5.

158. General Division.—Telegrams are divided into four classes:—

- (a) State (or Government) telegrams (Rule 193).
- (b) Service telegrams (Rule 205).
- (c) Private telegrams.

(d) Press telegrams (Rules 334 to 339).

In transmission, State telegrams take precedence of other telegrams, Service telegrams XXXII, 1. take precedence of Private telegrams, and Private telegrams take precedence of Press telegrams [Rule 334 (2)].

WRITING AND ACCEPTANCE OF TELEGRAMS.

159. The text of telegrams may be in Plain or Secret language, the latter being subdivided into Code or Cipher language. Each of these languages may be employed alone or conjointly with the others in the same telegram. All the administrations admit, in all their relations, telegrams in plain language. They may decline to forward or to receive for delivery private telegrams composed either wholly or in part in secret language; but they must allow these telegrams to pass in transit, unless the service be suspended. Art. 6 and Reg. VI, 1.

160. Plain Language is that which offers an intelligible sense in one or more of the languages authorised for International telegraphic correspondence. The following are the languages authorised for Foreign telegrams in Plain language, subject to the conditions of Rule 173. Reg. VII, 1.

Annamite.	Polish.	Japanese.	Ruthenian.
Arabic.	Flemish.	Latin.	Servian.
Armenian.	French.	Malay.	Siamese.
Bohemian.	German.	Norwegian.	Slavonic.
Bulgarian.	Greek.	Persian.	Spanish.
Croatian.	Hebrew.	Polish.	Swedish.
Dani-h.	Hungarian.	Portuguese.	Turkish.
Dutch.	Illyrian.	Romanian.	
English.	Italian.	Russian.	

161. Telegrams from India to Ceylon and *vice versa* may be in the Vernacular languages of India or Ceylon, or in any of the above languages.

162. In Private telegrams in any language other than plain English or the Vernacular languages of India or Ceylon, the Sender shall certify at the foot of the form (or at the back if more convenient) that the message does not contain combinations or alterations of words contrary to the usage of the language. (See Rule 230.)

163. By "Telegrams in Plain language" is understood those of which the text is written entirely in Plain language. Nevertheless, the presence of Code addresses, Exchange quotations, commercial marks, letters representing the signals of the International Code of Signals employed in maritime telegrams, of abbreviated expressions currently used in ordinary or commercial correspondence, such as *resp., fob, off, cif, cas, sep., c/o, b/l.*, or any other analogous expression, the meaning of which is understood in the country of origin, does not alter the character of a telegram in Plain language. Reg. VII, 2.

164. Code language is that which is composed of words which do not form intelligible phrases in one or more of the languages authorised for telegraphic correspondence in Plain language. Reg. VII, 1.

165. The words, whether genuine or artificial, must be formed of syllables capable of pronunciation according to the current usage of one of the following languages:—*English, French, German, Italian, Dutch, Spanish, Portuguese or Latin.* Artificial words must not contain the accented letters *ä, é, æ, ê, ñ, ö, ü.* Reg. VIII, 2.

166. Codes intended for correspondence in Code language may be submitted to the Telegraph Administrations designated for the purpose, in order to allow those interested to obtain an assurance that the words contained in Codes fulfil the conditions of the preceding rule. In India, Code makers may submit their Codes to the Director-General of Telegraphs for submission to the Committee of Control.

167. Words in Code language must not contain more than ten characters according to the Morse alphabet (Rules 173 and 174), the combinations *ae, ea, ao, oe, ue*, being counted as two letters each. The combination "*ch*" is also counted as two letters in artificial words. In Indo-Ceylon telegrams, the use of vernacular words is admissible as Code. Reg. VIII, 3.

168. Combinations which do not fulfil the conditions of Rules 165 and 167 are considered as belonging to Letter cipher language, Rule 170 (2), and charged accordingly. Compounds composed of two or more words in plain language, combined contrary to the usage of the language are on no account admitted. (See also Rule 230, *et seq.*) Reg. VIII, 4.

169. In Private telegrams worded in Code language, the Sender shall certify at the foot of the form (or at the back if more convenient) that the Code words are not combinations of two or more words in plain language contrary to the usage of the language.

170. Cipher language is that which is composed—

- (1) Either of Arabic figures, of groups or series of Arabic figures having a secret meaning, or of letters (excluding the accented letters, *ä, é, æ, ê, ñ, ö, ü*), groups or series of letters having a secret meaning. Reg. IX, 1.

- (2) Of words, names, expressions or combinations of letters not fulfilling the conditions of Plain language (Rules 160 to 163) or of Code language (Rules 164 to 167).

Reg. IX, 2. 171. The employment in one group of figures and letters having a secret meaning is not admitted. It is desirable to avoid the use of Letter cipher, as far as possible, as it is less easy to transmit than pronounceable groups of letters, and is, therefore, more liable to error. In cases where it is necessary to employ letter cipher it should be arranged in groups of five letters in order to facilitate transmission.

Reg. IX, 2. 172. The groups referred to in Rule 163 are not considered as Letter cipher, i.e., as letters having a secret meaning.

Reg. X, 1. 173. Characters.—Telegrams must be legibly written in characters which have their equivalents in the official table of telegraph signals, and which are in use in the country where the telegram is presented.

Reg. X, 2. 174. The following are the characters in use in India :—

(a) *Letters.*

A, B, C, D, E, Ê, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z.

Reg. XXI. Except in Code and Cipher language, the combination "ch" counts as one character of the Morse alphabet; so also do the twin vowels "aa", "æ", "æ", and "ue", commonly used to represent the continental modified vowels á, â, a°, ô, and ü.

(b) *Figures.*

1, 2, 3, 4, 5, 6, 7, 8, 9, 0.

There are no telegraphic signals for Roman numerals, such as I, II, etc.

(c) *Signs of punctuation, etc.*

Reg. X, 2. Full stop (.), Comma (,), Semicolon (;), Colon (:), Note of interrogation (?), Note of exclamation (!), Apostrophe ('), Hyphen or dash (-), Brackets or signs of a parenthesis (), Inverted commas (" "), Bar of division (/), Underline.

(d) *Special Instructions and Conventional Signs.*

French.	Abbreviated form.	English meaning.
Reg. X, 2. Réponse payée & Collationnement	RP & TC	Reply paid & words (Rule 277). Collation or repetition (Rule 284).
Accusé réception télégraphique (télégramme avec).	PC.	Telegram with Telegraphic Acknowledgment Receipt (Rule 289).
Accusé réception postal (télégramme avec)	PCP.	Telegram with Postal Acknowledgment Receipt (Rule 289).
Faire suivre	FS	Telegram to follow Addressee (Rule 298).
Exprès	Exprès	Express (Rule 311).
Exprès payé	XP.	Express paid (Rule 315).
Exprès payé &	XP &	Express paid & (Rule 312).
Exprès payé télégraphe	XPT.	Express paid, Telegraph (Rules 313 and 314).
Exprès payé lettres	XPP.	Express paid, Post (Rules 313 and 314).
Jour	Jour	To be delivered during the day only (Rule 260).
Nuit	Nuit	To be delivered at night.
Poste	Post	Post (Rules 262 and 309).
Poste recommandée	P	Post Registered (Rules 262 and 309).
Ouvert	Ouvr	To be delivered open (Rule 267).
Mains propres	MP.	To be delivered into the hands of the Addressee himself (Rule 266).
Télégraphe restante	TR.	To be kept at Telegraph Office till called for (Rules 268 and 273).
Poste restante	GP.	To be kept at Post Office till called for (Rules 268, 269 and 274).
Poste restante recommandée	GPR.	To be registered and kept at Post Office till called for (Rule 262).
& Adresses	TM &	& Addressee (Rule 301).
Communiquer toutes adresses	CTA.	Communicate all Addressee (Rule 306).
& Jours	...	& Days.

Reg. X, 3. 175. Erasures, etc.—Every interlineation or insertion, reference, erasure, or re-written word must be authenticated by the Sender or by his representative.

176. Parts of a telegram.—The different parts forming a Foreign telegram should be written in the following order:—

- (a) Special Instructions (Rules 177—179).
- (b) The Address (Rules 180—194).
- (c) The Text (Rule 195).
- (d) The Sender's name (Rule 196).

177. Special instructions.—The Sender should write upon the form, in the place provided for the purpose, such of the Special Instructions prescribed in Rule 174 (d) as he may desire to make use of.

178. In the case of a Multiple telegram, the Special Instructions which concern each Addressee should be written immediately before his name; but in the case of a collated Multiple telegram it is sufficient if the Special Instruction for Collation (Rule 284) precedes the first Address.

179. Special Instructions may be written in the abbreviated forms allowed in Rule 174 (d). In this case the counter clerk should place each of them between double dashes, thus:—“=R.P.=T. C.=” and so written they are counted each as one word only [Rule 218 (8)]. When they are written in plain language, they should be in French.

180. Address.—Every Address must contain at least two words, the first designating the Addressee, the second indicating the name of the Telegraph Office of destination. The latter should be spelt as in the *Official List of Offices (Nomenclature des bureaux telegraphiques)*—see Rule 218).

181. The Address must contain all the particulars necessary to ensure the delivery of the telegram to the Addressee. These particulars, with the exception of names of persons, should be written in French or in the language of the country of destination.

182. The Address of Private telegrams must be such that delivery to the Addressee can be effected without search or enquiry.

183. For large towns, the name of the street and the number of the house must be given, or, in the absence of these particulars, the profession of the Addressee or any other relevant information.

184. Even for small towns, the name of the Addressee must, if possible, be accompanied by additional particulars to guide the office of destination in effecting delivery.

185. When a telegram is addressed to one person care of another, the Address must contain, immediately after the name of the real addressee, one of the indications “*chez*,” “*aux soins de*,” “*c/o*,” “*with*,” “*care of*,” or any other equivalent.

186. The name of the telegraph office of destination must be placed after the words in the address which serve to designate the addressee and, when given, his place of residence. It must be written as it appears in the first column of the official *Nomenclature* of offices. This name can only be followed by that of the country or of the territorial sub-division, or by both of these. In the latter case it is the name of the territorial sub-division which must immediately follow that of the Telegraph Office of destination.

187. When the name of the Office of destination has not yet been published in the *Official Nomenclature* the sender must complete the address by the name of the country or of the territorial sub-division, or by any other information which he considers sufficient for the forwarding of his telegram which, however, is only accepted at the sender's risk. This rule applies to the Office of origin also.

188. Telegraph offices in the neighbourhood of London.—In telegrams addressed to telegraph offices in the neighbourhood of London, the names of which appear in the *Official List of Offices* (Rule 180), it is not necessary to add the word London in the Address. Telegrams for places in London itself, the names of which do not appear in the *Official List of Offices* (Rule 180), cannot be accepted unless addressed *London* as the name of the Terminal Office.

189. Insufficient Address.—Telegrams, the Addressees of which do not satisfy the conditions laid down in Rules 180 and 187, are refused.

190. Telegrams addressed to a telegraph forwarding agency, which is known to be organised for the purpose of evading payment of the full rate chargeable for the transmission of telegrams without intermediate retransmission between the office of origin and their ultimate destination, are not accepted.

191. In all cases of insufficient address, telegrams must only be accepted at the Sender's risk, if he persist in demanding transmission.

192. In all cases the Sender has to bear the consequences of an insufficient Address.

193. Abbreviated Addresses.—The Address may be written in an abbreviated form. But the right of an Addressee to have a telegram thus addressed delivered to him is subject